



Publication Date: Friday, December 6th, 2024

# OFFICIAL NOTICE OF PUBLIC MEETING

## THE STATE MINING AND GEOLOGY BOARD

**Will Conduct a Regular Business Meeting on:**

**Thursday, December 19, 2024, at 10:00 a.m.**

**California Natural Resources Headquarters  
715 P Street, Second Floor Conference RM 2-221C-2-201  
Sacramento, California 95814**

**This meeting will be held in-person and  
via video conference and will be recorded.**

To avoid any background noises while the meeting is in session, we ask that you mute your device. To join the meeting, please download the latest version of MS Teams by visiting their website at <https://aka.ms/getteams> or install the MS Teams app on your phone. After installing MS Teams on your device click on the [Microsoft Teams Meeting](#) link to join the meeting **Meeting ID: 293 961 717 657** and **Passcode: 3tkCKT**. You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 374 517 721#**

For questions or comments regarding this Agenda, please contact the Board by email at [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov). This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's website at: <https://www.conservation.ca.gov/smgb>.



## **PUBLIC MEETING AGENDA**

- 1. Call to Order (Sheingold)**
- 2. Pledge of Allegiance**
- 3. Roll Call and Declaration of a Quorum**
- 4. Review of the Agenda (Sheingold)**
- 5. Department Reports**
  - A. Department of Conservation Report (Tiffany)
  - B. Division of Mine Reclamation Report (Whalin)
  - C. California Geological Survey Report (Lancaster)
- 6. Chair Report (Sheingold)**
- 7. Executive Officer Report (Schmidt)**
- 8. Geologist Report (Fry, Jones)**
- 9. Ex-Parte Communication Disclosure**

Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code Sections 663.1 and 663.2.
- 10. Public Comment Period**

This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. Speaker testimony is limited to three minutes except by special consent of the Chair.
- 11. Consent Items**

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the consent calendar and consider it separately.

  - A. Consideration and approval of minutes for the Regular Business Meeting held on:  
October 17, 2024
- 12. Regular Business Items**
  - A. Consideration and Approval of the 2023-2024 Annual Report.
  - B. Consideration and Approval of the 2025 SMGB Meeting Schedule.
  - C. Consideration and Approval of a minor modification to the Mining Ordinance Guidance Document.
- 13. Presentations, Reports, and Informational Items**
  - A. *To be a Clean Energy Leader, California Should Maximize its Production of Critical Materials and Metallic Minerals and Reconsider the Metallic Mining Backfill Regulations* (Martin Stratte, Attorney, Hunton Andrews Kurth LLP)
- 14. Executive Session (Closed to the Public)**

The Board will discuss information from its legal counsel on potential litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.

**15. Announcements and Future Meetings**

**16. Adjournment**

# THE STATE MINING AND GEOLOGY BOARD

## **THE BOARD**

The State Mining and Geology Board (Board) serves as a regulatory, policy, and appeals body representing the State's interests in the reclamation of mined lands, geology, geologic and seismologic hazards, and the conservation of mineral resources.

The Board was established in 1885 as the Board of Trustees to oversee the activities of the State Mineralogist and the California Division of Mines and Geology (now the California Geological Survey). It is second oldest Board in California. Today's Board has nine members appointed by the Governor and confirmed by the State Senate, for four-year terms. By statute, Board members must have specific professional backgrounds in geology, mining engineering, environmental protection, groundwater hydrology and rock chemistry, urban planning, landscape architecture, mineral resource conservation, and seismology, with one member representing the general public.

## **Mission Statement**

The mission of the Board is to provide professional expertise and guidance, and to represent the State's interest in the development, utilization, and conservation of mineral resources, the reclamation of mined lands and the development and dissemination of geologic and seismic hazard information to protect the health and welfare of the people of California.

## **STATUTORY AND REGULATORY AUTHORITY**

The Board is an independent entity within the Department of Conservation under the Natural Resources Agency and is granted responsibilities and obligations under the following acts:

### **Surface Mining and Reclamation Act of 1975**

Under this Act, Public Resources Code Sections 2710 et seq. and its regulations at 14 California Code of Regulations Section 3500 et seq., the Board provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. SMARA also encourages the production, conservation, and protection of the State's mineral resources.

### **Alquist-Priolo Earthquake Fault Zoning Act**

Under this Act, Public Resources Code Section 2621 through Section 2630, and its regulations at 14 California Code Regulations Section 3600 et seq., the Board is authorized to represent the State's interests in establishing guidelines and standards for geological and geophysical investigations and reports produced by the California Geological Survey, public sector agencies, and private practitioners. The Board is also authorized to develop specific criteria through regulations to be used by Lead Agencies in complying with the provisions of the Act to protect the health, safety, and welfare of the public.

### **Seismic Hazards Mapping Act**

Under this Act, Public Resources Code Section 2690 through Section 2699.6 and its regulations at 14 California Code of Regulations Section 3720 et seq. the Board is authorized to provide policy and guidance through regulations for a statewide seismic hazard mapping and technical advisory program to assist cities, counties, and State agencies in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction or other ground failure, landslides and other seismic hazards caused by earthquakes, including tsunami and seiche threats.

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The Board is governed by the Bagley-Keene Open Meeting Act that requires the Board to:

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- 2) Describe in the Agenda specific items to be transacted or discussed
- 3) Refuse to add an item no later than ten days prior to any meeting and republishing of the agenda
- 4) Call a closed session by the Chair to discuss litigation and other matters
- 5) Make all testimony, files, and documents part of the administrative record

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The Board encourages the submittal of comments, written material, or technical reports thirty days prior to the applicable Board meeting. All such material concerning any matters on the agenda can be submitted to: [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov) or addressed to:

**State Mining and Geology Board  
715 P Street, MS 1909  
Sacramento, CA 95814**



Agenda Item No. 11A

December 19, 2024

## Consideration and Approval of Minutes for the October 17, 2024, Regular Business Meeting

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### **INTRODUCTION:**

Approve the Conformed Minutes for the State Mining and Geology Board's October 17, 2024, Regular Business Meeting.

### **SUGGESTED MOTION:**

*Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board approve the Conformed Minutes for the October 17th, Regular Business Meeting.*

Respectfully submitted:

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Jeffrey Schmidt,  
Executive Officer



# **\*\*\*DRAFT\*\*\***

# **CONFORMED MINUTES**

## **THE STATE MINING AND GEOLOGY BOARD**

**Will Conduct a Regular Business Meeting on:**

**Thursday, October 17, 2024, at 10:00 a.m.**

**California Natural Resources Headquarters  
715 P Street, Second Floor Conference RM 2-301  
Sacramento, California 95814**

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via video conference and will be recorded.**

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## **PUBLIC MEETING AGENDA**

**1. Call to Order (Sheingold)**

Meeting was called to order by Chair Sheingold at 10:00 A.M.

**2. Pledge of Allegiance**

Executive Officer Jeffrey Schmidt led the Pledge of Allegiance.

**3. Roll Call and Declaration of a Quorum**

Regulatory Analyst Natalie Decio called roll with Members Driscoll, Holst, Kenline, Landregan, Vice Chair Jung, and Chair Sheingold present, and a Quorum was declared. Members Kappmeyer, Los Huertos, and Zafir were not in attendance.

**4. Review of the Agenda (Sheingold)**

Chair Sheingold reviewed the agenda and noted that at 10:17 A.M. those present would be participating in an earthquake exercise called the "Great Shake Out" where for one minute everyone would be dropping underneath the desks, covering their heads, and holding on. While waiting for 10:17 A.M. to come to pass, introductions were made between newly appointed Board Member Alan Driscoll and the rest of the Board and Board Staff.

**5. Department Reports**

- A. Department of Conservation (DOC) Report (Tiffany)
- B. Division of Mine Reclamation (DMR) Report (Whalin)
- C. California Geological Survey (CGS) Report (Lancaster)

Chair Sheingold deferred the department reports until Agenda Item 13B. These reports would be incorporated into the Department of Conservation (DOC) panel discussion.

**6. Chair Report (Sheingold)**

Chair Sheingold reported that he continues to have meetings with Board and department staff.

**7. Executive Officer Report (Schmidt)**

Executive Officer Jeffrey Schmidt began by acknowledging that for the first time in over a decade, the Board is full with nine members. He noted that the Board now has a complement of subject matter experts and thanked the Governor's Office for completing the Board. Since the last Regular Business Meeting, Schmidt presented to the CalCIMA "Women in Mining Group" on the annual inspection process, and Board Staff's annual inspection season commenced beginning with inspections in El Dorado and Yuba counties. Rulemaking continues with the discussion of the regulations associated with Public Resources Code (PRC) 2714(f), determining an exemption from the Surface Mining and Reclamation Act (SMARA) which will be brought before the Board today. PRC 2790, the mineral designation process for the Greater Sacramento Area Production Consumption Area, and PRC 2207 which establishes annual reporting fees for lithium brine operations are also currently being worked on.

**8. Geologist Report (Fry, Jones)**

Senior Geologist Paul Fry reported that since the last board meeting, comments on the 2714(f) rulemaking package were considered, and staff updated the package. Staff attended the Sand Studies Commissioner Working Group, reviewed the Mineral Resource Management Plans for the City of Wildomar and Contra Costa County, and developed an informational webpage for the Lead Agency Mining Ordinance Project. Additionally, six inspections were conducted, and staff on-boarded new Board Member Alan Driscoll. Upcoming projects for Board Staff include

submitting rulemaking packages to the Office of Administrative Law, continuing the 2024 Annual SMARA inspections, and working on outreach and workshop development for the Mining Ordinance Project.

**9. Ex-Parte Communication Disclosure**

Nothing to report.

**10. Public Comment Period**

There were no public comments.

**11. Consent Items**

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the consent calendar and consider it separately.

A. Consideration and approval of minutes for the Regular Business Meeting held on:  
August 15, 2024

During the first vote, four members voted yes while Member Driscoll abstained as he was not a member of the Board at the time, and Member Landregan abstained as she was not present at the August 15<sup>th</sup> meeting. This resulted in an absence of a quorum for this consent item. Legal Counsel Nicole Rinke informed the Board that although Member Landregan was not present at the previous meeting, she was technically presumed to have understood what occurred by having reviewed the minutes in a professional capacity. Therefore, voting on this item would be allowed. A second vote was taken with Member Landregan revising her vote to be in favor of approval, and the Conformed Minutes were approved.

**12. Regular Business Items**

A. Consideration and approval of preliminary regulatory language and associated rulemaking package describing the Board's administrative procedures for determining an exemption from the Surface Mining and Reclamation Act of 1975 pursuant to Public Resource Code Section 2714(f).

Senior Geologist Paul Fry explained that the intent of the rulemaking was to standardize the exemption application process under PRC 2714(f) by clearly stating the procedures required for each request for an exemption and ensuring that each request receives the same evaluation by the Board before a determination is made. Regulations are needed as there is currently no process for seeking an exemption which results in Board staff reviewing on a case-by-case basis. Pre-rulemaking commenced in 2021 and has included two workshops and the collection of comments at various board meetings. Board staff sought approval of the preliminary regulatory language and associated rulemaking package at the August 15, 2024 Regular Business Meeting. Additional comments were received which resulted in the Board directing staff to consider comments and update the preliminary language and rulemaking package as necessary for future acceptance. After consideration of comments received, some of the revisions to the language included acronym clean up, minor clarifications to the documents comprising the administrative record, the addition of a discussion of CEQA/NEPA compliance during the pre-consultation, and the title change of section 4058 to "Notification of Board Determination." After the presentation, the Board considered the public comments received during the meeting as well as the comments submitted via email prior to the meeting. Member Kenline motioned to approve the preliminary regulatory language and associated rulemaking package and to direct staff to proceed with the formal rulemaking process with the Office of Administrative Law. The motion passed with all present members voting yes while Member Driscoll abstained.

### 13. Presentations, Reports, and Informational Items

#### A. *Mining Ordinance Update* (SMGB staff)

Geologist Mallory Jones began by discussing the history of the Mining Ordinance Project. As SMARA was significantly amended in 2017, mining ordinances need updating as most were last certified in the 1990s. In 2023 the Board adopted the updated Mining Ordinance Guidance Document, and since then, Board staff have developed a multi-phased strategy for the Mining Ordinance Update Project. Phase one of the project is almost complete with the lead agency resources webpage and workshop curriculum both developed, and outreach and meetings with local associations in progress. Jones also reviewed a flowchart that details the mining ordinance certification process that Board staff developed for this project. Important elements of the process include a mining ordinance workshop, working meetings between Board staff and lead agencies, comprehensive review by Board staff and meetings with lead agencies to discuss comments, and updated ordinances brought before the Board for comments prior to adoption at the local level and certification by the Board. Regulatory Analyst Natalie Decio then unveiled a new webpage created by Board staff that details the project and provides resources for lead agencies when they begin updating their mining ordinances. Additionally, a project progression page was also created to track mining ordinances that have been certified or are currently under review. This page will be updated as the project progresses.

#### B. *Department of Conservation Panel Discussion* – Members of the Department of Conservation will discuss their roles and relationship with the Board (Department of Conservation - Gabe Tiffany, Acting Director and Elizabeth Betancourt, Natural and Working Lands Policy Advisor, California Geological Survey - Jeremy Lancaster, State Geologist, Public Affairs Office - Jacob Roper, Assistant Director, Office of Legislative and Regulatory Affairs - Katherine Litzky, Assistant Director, Legal - Greg Tenorio, and Division of Mine Reclamation – speaker yet to be determined)

Acting Director Gabe Tiffany began the panel discussion by explaining that as a department under the executive branch, the DOC is currently focusing on carrying out the administration's long term climate goals by concentrating on compliance and accountability. Where this intersects with the Board is through regulation responsibilities regarding mining operations. To foster communication and better align the goals and priorities between DOC and the Board, a working group was created. Natural and Working Lands Policy Advisor, Elizabeth Betancourt of the DOC then continued the panel discussion by expounding on the working group. Conversations during these working group meetings have led to improved communication and collaboration to and with operators, lead agencies, and the public. Additionally, the working group is looking to potentially increase the work between DOC and the Board through staffing support, information sharing, and the increased data accessibility and transparency of the SMARA program. Senior Staff Counsel, Greg Tenorio, of the DOC Legal department continued by explaining that DOC Legal supports the department and its programs administered by the various divisions, and in matters of litigation, DOC Legal can aid the Board's counsel, the Deputy Attorney General assigned to the matter. The discussion then moved to the Assistant Director of the Public Affairs Office, Jacob Roper, who works with the Board to manage its website and digital presence while assisting with outreach and language access services as needed. The Assistant Director of the Office of Legislative and Regulatory Affairs, Katherine Litzky, then proceeded by noting how her office mainly supports the Board's regulation efforts and assists with the rulemaking process. Supervisor of DMR, Lindsay Whalin, continued the discussion by outlining the various ways that DMR partners with the Board including working to ensure that post SMARA mines are reclaimed for safety, supporting regulations in the implementation of SMARA, and collecting fees that support the

state administration of SMARA programs. Additionally, the Board regularly assists with improving DMR products such as the Mines Online Documents System and assists the Division in seeing things from a lead agency's perspective. Finally, State Geologist of CGS, Jeremy Lancaster, concluded the discussion by reviewing how CGS works with the Board. Primarily, CGS' Seismic Hazards Program maps zones for faults, and the Board helps communicate the public review period of those maps and hosts public hearings during the review period. The Mineral Resources Program is another program that works closely with the Board as they prepare mineral classification reports that the Board then uses to initiate the designation process of those minerals.

**14. Executive Session (Closed to the Public)**

No executive session was held.

**15. Announcements and Future Meetings**

The next Regular Business Meeting will be held on December 19, 2024.

**16. Adjournment**

With a unanimous motion to adjourn, the October State Mining and Geology Board's Regular Business Meeting was adjourned by Chair Sheingold at 12:29 P.M.

# THE STATE MINING AND GEOLOGY BOARD

## **THE BOARD**

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### **Alquist-Priolo Earthquake Fault Zoning Act**

Under this Act, Public Resources Code Section 2621 through Section 2630, and its regulations at 14 California Code Regulations Section 3600 et seq., the Board is authorized to represent the State's interests in establishing guidelines and standards for geological and geophysical investigations and reports produced by the California Geological Survey, public sector agencies, and private practitioners. The Board is also authorized to develop specific criteria through regulations to be used by Lead Agencies in complying with the provisions of the Act to protect the health, safety, and welfare of the public.

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**State Mining and Geology Board  
715 P Street, MS 1909  
Sacramento, CA 95814**



Agenda Item No. 12A

December 19<sup>th</sup>, 2024

## **Consideration and Approval of the 2023 – 2024 Annual Report**

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### **INTRODUCTION:**

The 2023 – 2024 *Annual Report of the State Mining and Geology Board* (Annual Report) is prepared for both the State Legislature and the Governor, as is provided for in statute pursuant to PRC Section 2717. Reporting periods follow the State's fiscal year calendar from July 1<sup>st</sup> of one year to June 30<sup>th</sup> of the following year.

This Annual Report summarizes activities and actions set forth by the SMGB during the 2023 – 2024 reporting period, and also presents "legislative recommendations" where the SMGB believes improvements can be made for the future well-being of the State's people and wise use of its natural resources under the Surface Mining and Reclamation Act of 1975 (SMARA).

### **SUGGESTED MOTION:**

*Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board approve the 2023-2024 Annual Report and direct the Executive Officer to distribute the report to the Governor and legislature as appropriate.*

Respectfully submitted:

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Jeffrey Schmidt,  
Executive Officer





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Honorable Members of the State Legislature and Governor Newsom,

The 2023 - 2024 Annual Report covers the reporting period from July 1<sup>st</sup>, 2023, through June 30<sup>th</sup>, 2024, and is submitted by the California State Mining and Geology Board to both the State Legislature and the Governor pursuant to *Public Resources Code section 2717*. This report serves as an overview of the Board, its statutory and regulatory mandates, its activities, and its legislative recommendations.

The Board believes that the regulation of the surface mining industry, the reclamation of mined lands, the dissemination of earthquake and seismic hazard information, and the prudent use of State's natural resources is an ongoing and essential process crucial to the economy, the infrastructure, and the people of the State of California.

Respectfully submitted on behalf of the State Mining and Geology Board,

*Jeffrey Schmidt*

Executive Officer  
State Mining and Geology Board

# State Mining and Geology Board



**2023 - 2024 Annual Report**

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# **STATE MINING AND GEOLOGY BOARD**

## **THE BOARD**

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## **MISSION STATEMENT**

The mission of the Board is to provide professional expertise and guidance and to represent the State's interest in the development, utilization, and conservation of mineral resources, the reclamation of mined lands, and the development and dissemination of geologic and seismic hazard information to protect the health and welfare of the people of California.

## **MEMBERSHIP**

Pursuant to *Public Resources Code sections 660 and 662*, the Board is composed of nine members appointed by the Governor and confirmed by the State Senate for four-year staggered terms. Each Board member must have a specific professional background in one of the following:

- Geology
- Mining Engineering
- Environmental Protection
- Groundwater Hydrology and Rock Chemistry
- Local Government
- Landscape Architecture
- Mineral Resource Conservation
- Seismology
- Public Member

Board members during the reporting period.

<b>SPECIALTY</b>	<b>MEMBER NAME</b>
Non-specialized public member	Larry Sheingold, Chair
Landscape Architect	Stephanie Landregan Vice-Chair
Mining Engineer with background and experience in mining in California	George Kenline
Environmental protection or the study of ecosystems	Eric Holst
Registered Geologist with background and experience in mining geology	Janet Kappmeyer
Mineral resource conservation, development, or utilization	Brian Anderson
Registered Geologist, Geophysicist, or Civil Engineer with background and experience in seismology	Zia Zafir
Groundwater hydrology, water quality, or rock chemistry	Marc Los Huertos
Representative of local government with background and experience in urban planning	Fred Jung

## **COMMITTEES**

To enable the Board to meet its responsibilities more effectively, the following standing committees have been established to gather information and formulate recommendations on a variety of topics:

- Policy and Administration
- Geohazards
- Mineral Conservation
- Surface Mining and Reclamation Act Compliance

## **STAFF**

The day-to-day activities of the Board are managed by:

- Jeffrey Schmidt, Executive Officer
- Paul Fry, Senior Geologist
- Mallory Jones, Engineering Geologist
- Natalie Decio, Staff Services Analyst

## **HISTORY**

The Board was established in 1885 as the Board of Trustees to oversee the activities of the State Mineralogist and the California Division of Mines and Geology (now the California Geological Survey and the Division of Mine Reclamation). It is the second oldest Board in California.

## **KEY STAKEHOLDERS**

Key stakeholders include:

- City and County Lead Agencies with jurisdictions over zoning ordinances, building codes, and general plans
- Geological, geophysical, and engineering consulting community
- Environmental, land use, and conservation groups
- Teachers and educational and academic institutions
- Contractors and developers
- Surface mining industry
- Realtors, insurers, and homeowners
- Natural Resources Agency
- Department of Conservation
- California Geological Survey
- Division of Mine Reclamation
- Seismic Safety Commission
- Board for Professional Engineers, Land Surveyors and Geologists
- State Water Board and Regional Water Quality Control Boards
- Metropolitan Water District of Southern California
- Bay Conservation and Development Commission
- Board of Forestry
- State Legislature

## **BOARD MEETINGS**

Pursuant to *Public Resources Code Section 668*, the Board held regular business meetings or standing committee meetings six times during the reporting period. All meetings were held in a hybrid in-person/virtual format. Attendance at these meetings averaged around fifty participants. Among its activities, the Board received briefings from the Department of Conservation, the Division of Mine Reclamation, and the California Geological Survey. The Board also hosts a speaker series during our regular meetings that brings in members of the industry to present on

various topics related to mining, mineral conservation, geohazards, the environment and redevelopment of formerly mined lands.

## **STATUTORY AND REGULATORY AUTHORITY**

The Board operates within the Department of Conservation under the Natural Resources Agency and is granted responsibilities and obligations under the following acts:

### **Surface Mining and Reclamation Act of 1975 (SMARA)**

Pursuant to *Public Resources Code sections 2710* and its regulations at *14 California Code of Regulations Section 3500*, the Board manages a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Surface Mining and Reclamation Act also encourages the production, conservation, and protection of the State's mineral resources.

### **Alquist-Priolo Earthquake Fault Zoning Act (APA)**

Pursuant to *Public Resources Code sections 2621 through 2630* and its regulations at *14 California Code Regulations Section 3600*, the Board is authorized to represent the State's interests in establishing guidelines and standards for geological and geophysical investigations and reports produced by the California Geological Survey, public sector agencies, and private practitioners. The Board is also authorized to develop specific criteria through regulations to be used by lead agencies to comply with provisions of the Act to protect the health, safety, and welfare of the public.

### **Seismic Hazards Mapping Act (SHMA)**

Pursuant to *Public Resources Code sections 2690 through 2699.6* and its regulations at *14 California Code of Regulations section 3720*, the Board is authorized to provide policy and guidance through regulations for a statewide seismic hazard mapping and technical advisory program to assist cities, counties, and state agencies in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction or other ground failure, landslides and other seismic hazards caused by earthquakes, including tsunami and seiche threats.

## **LEAD AGENCY RESPONSIBILITIES**

The primary entity responsible for the Surface Mining and Reclamation Act administration, compliance, and enforcement, is the local lead agency, typically, the city or county where the surface mining is taking place. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the lead agency; therefore, the lead agency is responsible for assuring that all surface mine operations within its jurisdiction are in full compliance with these provisions. Specific duties of lead agencies which are charged with the primary administration and enforcement of the Surface Mining and Reclamation Act are to:

- Review and approve reclamation plans that meet the minimum requirements established by the Surface Mining and Reclamation Act and the Board's reclamation performance standards for surface mines
- Approve financial assurances, subject to annual review, that are sufficient to pay for the costs of reclamation of the lands disturbed by surface mining operations according to the requirements of the approved reclamation plan
- Approve local land use permits for surface mining operations
- Conduct an annual inspection of each surface mine to confirm that the operation complies with the requirements of the Surface Mining and Reclamation Act and its approved reclamation plan, and to remedy the situation if the operation is not in compliance
- Issue Administrative Penalties to operators who do not come into compliance

- Maintain a surface mining ordinance that is in accordance with the Surface Mining and Reclamation Act
- Incorporate mineral resource management plans into their general plans and conserve mineral lands "classified" or "designated" within the lead agency's jurisdiction

Should a lead agency fail to bring a surface mining operation into compliance, statute allows the Supervisor of the Division of Mine Reclamation to commence enforcement. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the Supervisor. The Division is also responsible for providing technical reviews of reclamation plans and financial assurances to lead agencies to ensure that the requirements of the Surface Mining and Reclamation Act have been addressed in the reclamation plans prior to their formal approval by the lead agency.

Under the Surface Mining and Reclamation Act, the Board is provided authority to hear appeals of enforcement actions taken by the Supervisor against surface mine operators, as well as appeals of certain decisions made by a lead agency regarding reclamation plans and financial assurances. In addition, the Board is provided authority to exercise a lead agency's powers, in whole or in part with exception to local land use and other regulatory permitting, when a lead agency's actions are in violation of the statute, or if the lead agency defaults on its responsibilities and obligations. The Board also reviews lead agency ordinances that establish local permit and reclamation procedures to determine whether each ordinance is in accordance with State policy for reclamation of surface mining operations and for conservation of mineral resources.

The Surface Mining and Reclamation Act affects ninety-six jurisdictions comprised of forty-one cities and fifty-seven counties.

The Board served as the lead agency under the Surface Mining and Reclamation Act for forty-nine individual surface mining operations during the reporting period including:

- Twenty located within two counties (El Dorado County and Yuba County)
- Eight located within six cities (Richmond, Marina, Jurupa Valley, Desert Hot Springs, Palm Springs, and Santa Paula)
- Seven marine sand and oyster shell mining operations located within the jurisdiction of the San Francisco Conservation and Development Commission
- Fourteen borrow pits located appurtenant to the Colorado River Aqueduct operated by the Metropolitan Water District of Southern California (Riverside County and San Bernardino County).

The following table lists the surface mines where the Board exercised lead agency authority:

SMGB SMARA LEAD AGENCY SURFACE MINES				
CA ID No.	Mine Name	Status	Primary Commodity	Local Lead Agency
91-07-0006	Richmond Quarry	Active	Recycled Aggregates	City of Richmond
91-09-0001	Bear Creek Quarry	Active	Aggregates	County of El Dorado
91-09-0002	Weber Creek Quarry	Closed – Reclamation in Progress	Aggregates	County of El Dorado
91-09-0003	Diamond Quarry	Active	Aggregates	County of El Dorado
91-09-0004	Chile Bar Slate Mine	Active	Slate	County of El Dorado

SMGB SMARA LEAD AGENCY SURFACE MINES				
91-09-0005	Cool Cave Quarry	Active	Aggregates	County of El Dorado
91-09-0006	Timm Mine	Active	Gold	County of El Dorado
91-09-0009	Somerset Sand Pit	Active	Sand	County of El Dorado
91-09-0010	Lawyer Pit	Closed – Reclamation in Progress	Decomposed Granite	County of El Dorado
91-09-0012	Snows Road Quarry	Active	Sand and Gravel	County of El Dorado
91-09-0015	Marin Quarry	Active	Aggregates	County of El Dorado
91-27-0006	Lapis	Closed - Reclamation in Progress	Sand	City of Marina
91-33-0002	Avalon Mine	Active	Aggregates	City of Jurupa Valley
91-33-0003	Super Creek Quarry	Active	Decorative Stone	City of Desert Hot Springs
91-33-0029	Philadelphia Mine	Closed – Reclamation in Progress	Recycled Aggregates	City of Jurupa Valley
91-33-0031	Garnet Pit	Active	Sand and Gravel	City of Palm Springs
91-33-0062	Pyrite Quarry	Active	Aggregates	City of Jurupa Valley
91-38-0001	Alcatraz, Point Knox	Active	Marine Sand	San Francisco Bay Conservation and Development Commission (BCDC)
91-38-0002	Point Knox South	Active	Marine Sand	San Francisco BCDC
91-38-0003	Point Knox Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0004	Alcatraz South Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0005	Hanson Suisun Bay	Active	Marine Sand	San Francisco BCDC
91-38-0007	Jerico Suisun Bay Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0011	Morris Marine Mining	Active	Marine Oyster Shells	San Francisco BCDC
91-56-0034	Santa Paula Materials	Active	Recycled Aggregates, Fill Dirt	City of Santa Paula
91-58-0001	Western Aggregates	Active	Sand and Gravel	County of Yuba
91-58-0002	Knife River Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0003	Cal Sierra Development	Active	Gold	County of Yuba
91-58-0004	Sperbeck Quarry	Idle	Aggregates	County of Yuba
91-58-0006	Teichert Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0011	Dantoni Pit	Idle	Sand and Gravel	County of Yuba



SMGB SMARA LEAD AGENCY SURFACE MINES				
91-58-0013	Parks Bar Quarry	Active	Aggregates	County of Yuba
91-58-0019	Teichert Marysville	Idle	Sand and Gravel	County of Yuba
91-58-0022	Long Bar Property	Active	Sand and Gravel	County of Yuba
91-58-0025	Simpson Lane	Idle	Sand	County of Yuba
91-70-0001	Metropolitan Water District (x14 borrow pits)	Active	Aggregates	Counties of Riverside and San Bernardino

### **Lead Agency Annual Surface Mine Inspections**

Board staff conducted annual on-site inspections for each of the forty-nine surface mining operations under the Board's SMARA lead agency authority during the reporting period. Conditions observed during the annual inspection and documented in the surface mining inspection report by the Board inspector, are the basis to determine ongoing compliance with SMARA. The determination of compliance includes assessing the operations physical and environmental conditions and general conformance relative to the approved reclamation plan and administrative compliance with SMARA. Board staff conduct inspections consistent with the "[Guidance Document for Surface Mine Inspectors](#)," dated January 2018 by the Department of Conservation's Division of Mine Reclamation.

### **Lead Agency Annual Financial Assurance Reviews**

Financial assurance cost estimates are required of mining operations under the Board's SMARA lead agency authority to ensure funding is available to complete reclamation in accordance with the surface mining operation's approved reclamation plan. Board staff annually review each surface mining operations Financial Assurance Cost Estimate (FACE) to determine that they are adequate, complete, and consistent with SMARA. Board staff also ensure operators post a financial assurance mechanism equal to or greater than the FACE amount.

### **Enforcement**

Pursuant to Public Resources Code sections 2270, 2770, 2773.1, 2774.1, 2774.2, 2774.5, 2775, 2796.5 and California Code of Regulations sections 3696.5, 3810, and 3940, the Board may enforce the annual reporting requirements and other provisions of the Surface Mining and Reclamation Act.

Board staff proactively identified issues at several operations and worked with the operator with the intent to mitigate potential violations. In addition, Board staff consulted with other local, state, and federal agencies to inform them of potential compliance issues not directly related to SMARA. In some instances, Board staff conducted inspections with staff from other regulatory entities.

Formal enforcement notices or orders were not required, and no fines or penalties were assessed during the reporting period.

### **Surface Mining Ordinances**

Pursuant to *Public Resources Code section 2774.3*, the Board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with State policy and shall certify the ordinance as being in accordance with State policy if it adequately meets, or imposes requirements more stringent

than, the California surface mining and reclamation policies and procedures established by the Board pursuant to this chapter.

The Board certified an updated mining ordinance for San Benito County during the reporting period.

### **Annual Mine Fee Schedule**

Pursuant to *Public Resources Code (PRC) section 2207(d)(1)* the Board imposes an annual reporting fee on, and method for collecting annual fees from, each active and idle surface mining operation. *PRC section 2207(d)* also states that, starting in fiscal year 2020 – 2021, the maximum fee for any single mining operation may not exceed ten thousand dollars (\$10,000) annually and may not be less than one hundred dollars (\$100) annually. The maximum annual fees are adjusted for cost of living as measured by the California Consumer Price Index.

Pursuant to *PRC section 2207(d)(2)(A)* a schedule of fees shall be calculated on an equitable basis reflecting the size and type of the operation. *PRC section 2207* further states that the fee schedule must provide for the collection of the amount specified in the Governor's proposed Budget for the Department of Conservation's costs in implementing the section and the Surface Mining and Reclamation Act.

In addition, *PRC 2207(d) (3)* outlines the amount of revenue to be generated by the fee schedule. The total revenue generated by the reporting fees may not exceed and may be less than eight million dollars (\$8,000,000). This amount shall be adjusted for the cost of living each fiscal year. Cost of living adjustments are addressed in *California Code of Regulations section 3698* and allow for increases to help maintain adequate funding for the Surface Mining and Reclamation Act programs within the Department. The cost-of-living adjustment, or rate of inflation, is measured by the consumer price index.

*PRC Section 2207(d)(4)(A)* also requires the reporting fee revenue be deposited in the Mine Reclamation Account for carrying out the provisions of the Surface Mining and Reclamation Act. These provisions include the classification and designation of areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance reviews, surface mine inspections, and enforcement.

The annual fee was adjusted during the reporting period and met the requirements above.

### **ALQUIST-PRIOLO ACT RESPONSIBILITIES**

Pursuant to *Public Resources Code section 2622(b)*, the State Geologist shall compile maps delineating earthquake fault zones. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

Alquist-Priolo maps released during the reporting period included the southern Rodgers Creek fault zone in the Cotati, Glen Ellen, Petaluma River, Santa Rosa, and Sears Point 7.5-minute Quadrangles in Sonoma County.

### **SEISMIC HAZARD ZONE RESPONSIBILITIES**

Pursuant to *Public Resources Code section 2696(a) and (b)*, the State Geologist shall compile maps identifying seismic hazard zones, and upon completion, submit them to the Board for approval. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

No seismic hazard zone maps were released during the reporting period.

## **MINERAL CONSERVATION AND RECLAMATION RESPONSIBILITIES**

As California's population continues to grow, its communities face increasingly difficult land use decisions. The production of mineral resources necessary to support the expanding population must compete with other land uses such as agriculture, timber production, urban development, renewable energy, recreation, and conservation. The rapid growth of many communities and the incompatibility of mining with most other land uses often results in conflicts within those communities. Often, the mineral resource is needed for the very use which threatens it. For example, construction grade aggregate deposits, which are necessary for construction and repair of roads, housing, and commercial development, often are built over before the resource can be extracted.

To address this issue, the Surface Mining and Reclamation Act provides a method by which mineral lands may be "Classified" by the State Geologist and "Designated" by the Board. These Classification and Designation processes are methods by which an inventory of the State's most valuable mineral deposits are designated as significant resources for local communities to consider in their land-use decision making.

### **Classification and Designation Reports**

Pursuant to *Public Resources Code section 2790*, after receipt of mineral information from the State Geologist pursuant to *section 2761 (d)*, the Board may, by regulation adopted after a public hearing, designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries of the geographic areas.

There were no mineral land classification reports completed during the reporting period.

### **Mineral Resource Management Plans**

Pursuant to *Public Resources Code section 2762*, a lead agency shall, in accordance with State policy, establish mineral resource management policies to be incorporated in its general plan to recognize mineral information classified by the State Geologist and transmitted by the Board, assist in the management of land use that affects access to areas of statewide and regional significance and emphasize the conservation and development of identified mineral deposits.

There were no new mineral resource management plans submitted during the reporting period.

## **REGULATORY RESPONSIBILITIES**

Pursuant to *Public Resources Code (PRC) section 2755*, the Board has statutory authority to adopt, amend, or repeal regulations that establish State policy for the reclamation of mined lands within California. Currently, the Board is involved in rulemaking activities to update regulations related to comprehensive changes to the Surface Mining and Reclamation Act from the signing of AB 1142 and SB 209 in 2016.

## **BOARD OUTREACH**

During the reporting period, the Board participated in the following public outreach programs:

- The Board worked with the Division of Mine Reclamation to help conduct a surface mine inspection workshop for operators and lead agencies throughout the State. The training included educating participants about the Board and current updated reforms made to the Surface Mining and Reclamation Act.
- The Board conducted a public pre-rulemaking workshop to propose regulatory language

for how the Board exempts mining operations from the Surface Mining and Reclamation Act under Public Resources Code section 2714(f). Both were well attended, and the Board considered recommendations for the regulations.

## **BOARD WORK**

- The Board created a mining ordinance guidance document for lead agencies to use in updating their local mining ordinances to comply with the extensive reforms mandated by AB 1142 and SB 209. The new guidance document also offers lead agencies suggestions to update and amend their ordinances according to SMARA.
- The Board elected a new Vice-Chair.
- The Board conducted interviews for the State Geologist and transmitted candidates to the Director of Conservation for consideration which led to the appointment of a new State Geologist.
- The Board approved an exemption to SMARA pursuant to 2714(f) for an exploratory drilling project located in Kern County.
- The Board completed a package to clean up existing regulations in SMARA (*California Code of Regulations Section 100*).

The Board is currently working on the following regulatory projects:

- Establish annual reporting and fees for geothermal lithium brine operations (*Public Resource Code Section 2207*)
- Develop and propose regulatory language for determining surface mining operations that are exempt from the Surface Mining and Reclamation Act (*Public Resources Code Section 2714 (f)*)
- Complete eight separate Mineral Designation regulation packages based on classifications made by the California Geological Survey

## **LEGISLATIVE RECOMMENDATIONS**

Pursuant to *Public Resources Code Section 2717*, the Board is required to report to the Governor and Legislature and, on an annual basis, offer legislative recommendations for consideration regarding the Surface Mining and Reclamation Act.

SMARA includes several exemptions for construction, farming, timber, and flood control purposes, among others. One of the exemptions in SMARA allows the Board to exempt certain surface mining operations that are of an infrequent nature and that involve only minor surface disturbances but currently there is no specific exemption in place for habitat restoration projects that seek to mitigate damage caused by legacy gold mining.

The Board recommends that the State legislature amend *Public Resources Code Section 2714* to allow SMARA exemptions for habitat restoration projects that result in one-time removal of sediment from rivers, lakes, and reservoirs provided the project is:

- (a) sponsored by a public agency and/or a not-for-profit organization
- (b) has all required permits in place
- (c) has been approved by the Board; and,
- (d) is fully funded.

The Board will draft language and assist in the legislative process should the legislature decide to pursue this action.



Agenda Item No. 12B

December 19<sup>th</sup>, 2024

## Consideration and Approval of the 2025 SMGB Meeting Schedule

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### **INTRODUCTION**

Adopt the 2025 meeting calendar.

### **BACKGROUND**

Public Resources Code (PRC) Section 668 provides that the State Mining and Geology Board (SMGB) hold its meetings at such times and at such places as it shall determine.

### **NOTICE DATES**

Notice of regular business meetings, special meetings, and committee meetings are made pursuant to Government Code Section 11120 et seq., the Bagley-Keene Open Meetings Act, Government Code Section 11345.4, and the Administrative Procedures Act. Notices will be posted electronically on the SMGB's website and provided to all SMGB members, the Director of the Department of Conservation, the State Geologist, the Assistant Director of the Division of Mine Reclamation, and any other interested person, at least 10 days prior to each regular business meeting.

### **DISCUSSION**

A meeting schedule for 2025, as presented, proposes twelve (12) regular SMGB meetings throughout the year. Approval of the SMGB's 2025 meeting calendar does not prohibit the SMGB from deferring and/or rescheduling certain meeting dates should circumstances warrant such action.

### **RECOMMENDATION**

The Executive Officer recommends that the SMGB adopt a 12-meeting calendar for 2025 in order to provide the flexibility to defer scheduled meetings if feasible. The SMGB may approve meeting locations in advance with this proposed schedule or leave locations "open" until later dates.

### **SUGGESTED MOTION:**

*Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board adopt the proposed Regular Business Meeting calendar for 2025.*

Respectfully submitted:

Jeffrey Schmidt,  
Executive Officer



**State Mining and Geology Board  
2025 Meeting Schedule**

**JANUARY 16, 2025**

AGENDA PUBLICATION DATE: JANUARY 03, 2025  
CLOSING DATE: JANUARY 10, 2025

**REGULAR BUSINESS MEETING**

**FEBRUARY 20, 2025**

AGENDA PUBLICATION DATE: FEBRUARY 07, 2025  
CLOSING DATE: FEBRUARY 14, 2025

**REGULAR BUSINESS MEETING**

**MARCH 20, 2025**

AGENDA PUBLICATION DATE: MARCH 07, 2025  
CLOSING DATE: MARCH 14, 2025

**REGULAR BUSINESS MEETING**

**APRIL 17, 2025**

AGENDA PUBLICATION DATE: APRIL 04, 2025  
CLOSING DATE: APRIL 11, 2025

**REGULAR BUSINESS MEETING**

**MAY 15, 2025**

AGENDA PUBLICATION DATE: MAY 02, 2025  
CLOSING DATE: MAY 09, 2025

**REGULAR BUSINESS MEETING**

**JUNE 19, 2025**

AGENDA PUBLICATION DATE: JUNE 06, 2025  
CLOSING DATE: JUNE 13, 2025

**REGULAR BUSINESS MEETING**

**JULY 17, 2025**

AGENDA PUBLICATION DATE: JULY 04, 2025  
CLOSING DATE: JULY 11, 2025

**REGULAR BUSINESS MEETING**

**AUGUST 21, 2025**

AGENDA PUBLICATION DATE: AUGUST 08, 2025  
CLOSING DATE: AUGUST 15, 2025

**REGULAR BUSINESS MEETING**

**SEPTEMBER 18, 2025**

AGENDA PUBLICATION DATE: SEPTEMBER 05, 2025  
CLOSING DATE: SEPTEMBER 12, 2025

**REGULAR BUSINESS MEETING**

**OCTOBER 16, 2025**

AGENDA PUBLICATION DATE: OCTOBER 03, 2025  
CLOSING DATE: OCTOBER 10, 2025

**REGULAR BUSINESS MEETING**

**NOVEMBER 20, 2025**

AGENDA PUBLICATION DATE: NOVEMBER 07, 2025  
CLOSING DATE: NOVEMBER 14, 2025

**REGULAR BUSINESS MEETING**

**DECEMBER 18, 2025**

AGENDA PUBLICATION DATE: DECEMBER 05, 2025  
CLOSING DATE: DECEMBER 12, 2025

**REGULAR BUSINESS MEETING**



Agenda Item No. 12C

December 19, 2024

## **Consideration and Adoption of the Board's Mining Ordinance Guidance Document Minor Modification**

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### **STATUTORY AND REGULATORY AUTHORITY:**

Pursuant to the Surface Mining and Reclamation Act of 1975, (SMARA), Public Resources Code (PRC) Division 2, Chapter 9, Sections 2710 Et seq., every City and County lead agency (lead agency) is required to adopt mining ordinances in accordance with state policy. SMARA ordinances establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of permits to conduct surface mining operations. However, any lead agency without a surface mining operation in its jurisdiction may defer adopting and implementing mining ordinances until a permit application for mining within the jurisdiction is filed. Local mining ordinances must be periodically reviewed and revised as necessary to ensure that they continue to be in accordance with SMARA and its implementing regulations found at California Code of Regulations, title 14, Division 2, Chapter 8, Subchapter 1, beginning at Section 3500.

A SMARA lead agency is defined as the entity "which has the principal responsibility for approving a reclamation plan" pursuant to PRC Section 2728. Lead agencies have the "primary responsibility for enforcing" SMARA, as well as the annual reporting requirements under PRC Section 2207.

### **BACKGROUND:**

The State Mining and Geology Board (Board) has historically published suggested model ordinance language to assist lead agencies as they prepare their mining ordinances. The Board last updated guidance on mining ordinances in 2015. Significant changes were made to SMARA in 2016 because of AB 1142 and SB 209. Accordingly, the Board directed staff in late 2021 to update the guidance on mining ordinances.

Board staff collaborated with the Department of Conservation to update the Mining Ordinance Guidance Document (MOG). In addition, on August 3, 2023, Board staff hosted a public workshop and engaged with local SMARA lead agencies, mining operators, and the interested public on the guidance document. During the public workshop, Board staff completed a presentation and solicited comments on the guidance document. Following the workshop, Board staff prepared a final version of the MOG that considered and incorporated substantive comments received following the workshop. The finalized MOG was approved by the Board at the September 21, 2023 Regular Business Meeting.

Board staff are proposing to add Section 22.0 to the MOG to ensure lead agency compliance with PRC 2774.3, 2774.5, and CCR 4000.

### **DISCUSSION:**

The proposed new Section 22.0 is intended to assure that all surface mining ordinances, both new and amended, will be reviewed and certified by the Board and remain in accordance with state policy.

Surface mining ordinances are amended frequently; however, such amended amendments rarely come to the attention of the Board unless a lead agency requests a review, or via concerns expressed by stakeholders or the public. Therefore, Section 22.0 of the MOG has been proposed to ensure Board review and certification of the mining ordinance.

The revised MOG including Section 22.0 can be viewed using the link below:

<https://doc.box.com/s/r4bsamvpooyzq116k7wpe5vwo7axqjbr>

**EXECUTIVE OFFICER RECOMMENDATION:**

Adoption of Section 22.0 of the MOG.

**SUGGESTED MOTION:**

*Board Chair, considering the information before the Board today, I move that the Board adopt Section 22.0 of the Mining Ordinance Guidance Document as discussed today.*

Respectfully submitted:



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Jeffrey Schmidt,  
Executive Officer

**Attachments:**

- 1 – Revised Mining Ordinance Guidance Document  
<https://doc.box.com/s/r4bsamvpooyzq116k7wpe5vwo7axqjbr>





Agenda Item No. 13A

December 19, 2024

**Presentation:**

***To be a Clean Energy Leader, California Should Maximize its Production of Critical Materials and Metallic Minerals and Reconsider the Metallic Mining Backfill Regulations***

by: Martin P. Stratte, Hunton Andrews Kurth LLP

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**INFORMATION:**

California is a clean energy leader. It wants 100 percent clean electricity by 2045.<sup>1</sup> It plans to rapidly expand its electric grid with power from solar, wind, and battery storage projects.<sup>2</sup> It wants to phase out the sale of internal combustion engine vehicles by 2035.<sup>3</sup> It wants to create 4 million new jobs related to clean energy.<sup>4</sup> California's plans will require a significant amount of metals and minerals. Energy transmission infrastructure, such as power lines, cabling, and electric vehicle chargers, is manufactured from metals and critical materials. Component parts in renewable energy infrastructure (e.g., solar panels) and electric vehicles also require metals and minerals.

Many of the metals and minerals required for California's clean energy future—and the nation's—are recognized as "critical materials" and "critical minerals" by the US Department of Energy and the US Geological Survey.<sup>5</sup> Unfortunately, a significant amount of critical materials and minerals are mined and processed overseas, including in countries that lack environmental laws or worker safety protections. Reliance on foreign minerals undermines the nation's supply chain and poses national security threats.<sup>6</sup> And critical materials are increasingly becoming the subject of export bans.<sup>7</sup>

California is endowed with vast mineral resources, including deposits of critical materials and minerals for which there are no substitutes. These natural resources are the result of hundreds of millions of years of geologic events and can only be mined where they are found. They are important enough to be considered part of the protected "environment" as defined in the California Environmental Quality Act.<sup>8</sup> California can and should develop these resources to produce the raw materials necessary for the nation's clean energy future. But California is not currently encouraging the development of its critical materials and minerals. One of the reasons is the enactment of the Metallic Mining Backfill Regulations in 2002.<sup>9</sup> California is the only state in the nation that requires the backfilling of open pits developed to mine metals. The regulations also require that any materials stored on a metallic mining site be removed, or filled into the pit, so that the resulting topography does not exceed 25 feet above the pre-mining surface contour elevations.

The regulations have a chilling effect on the development of California critical materials and minerals. America, including California, needs to secure supplies of critical materials and minerals that will support not

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<sup>1</sup> Building the Electricity Grid of the Future: California's Clean Energy Transition Plan, p. 4 [Executive Summary] (May 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at p. 8.

<sup>5</sup> <https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals> (accessed Dec. 11, 2024).

<sup>6</sup> House Subcommittee on Environment, Manufacturing, and Critical Materials, Committee Majority Staff, Memorandum (June 13, 2024).

<sup>7</sup> <https://www.reuters.com/markets/commodities/rattled-by-china-west-scrambles-rejig-critical-minerals-supply-chains-2024-12-06/> (accessed Dec. 11, 2024).

<sup>8</sup> CEQA Guidelines § 21060.5.

<sup>9</sup> Pub. Res. Code § 2773.3; Cal. Code Regs. § 3704.1; Report on Backfilling of Open-Pit Metallic Mines in California (SMGB Information Report 2007-02).

only the nation's clean energy future but also our way of life. By reconsidering the regulations, the Board can encourage mining while at the same time protecting the environment and generating good jobs.

Attachments:

Presentation reference materials can be accessed at the links below.

1. [California Energy Transition Plan](#)
2. [What Are Critical Materials and Critical Minerals? – Department of Energy](#)
3. [Committee Majority Staff Memorandum](#)
4. [Rattled by China, West scrambles to rejig critical minerals supply chain - Reuters](#)
5. [CEQA Definition of Environment](#)
6. [SMGB Information Report 2007-02](#)