

September 16, 2026

State Mining and Geology Board
c/o Jeffrey Schmidt, Executive Officer
715 P Street, MS 1909
Sacramento, CA 95814
smgb@conservation.ca.gov
Jeffrey.schmidt@conservation.ca.gov

Via email

Re: Agenda Item 12A, September 17, 2026 Board Meeting, Updated Regulatory Text for the SMARA 2714(f) Exemption Regulations

Dear State Mining and Geology Board Members,

CalWild, the Center for Biological Diversity, Earthworks, Desert Tortoise Council, Friends of the Inyo, Imperial Valley Equity & Justice, and the Sierra Club California / Nevada Desert Committee respectfully submit these comments for your consideration regarding agenda item 12A for the board meeting on September 17, 2026. Our organizations and others, along with our members and supporters across the state have provided multiple comments on the proposed regulatory language since 2022 to ensure the regulations include a clear and robust process for tribal consultation, public hearings, and environmental review in accordance with the California Environmental Quality Act (CEQA) before the board decides whether or not to grant a mining project an exemption from the Surface Mining and Reclamation Act of 1975 (SMARA) under Public Resources Code 2714(f).

We thank the board and staff for including several important revisions in the updated language that address our previous concerns, including identifying the CEQA lead agency in pre-consultation, clarifying that exemption only applies to permitting requirements of SMARA for “activities that constitute surface mining operations” and that CEQA compliance is still required for all activities, requiring 30-day notice for a public hearing, and requiring the board to issue findings to support its exemption determination. We support these revisions because they will ensure the public is informed about the potential environmental impacts of surface mining activities that seek an exemption, and allow the board to gather needed information and hear from impacted communities before making an exemption determination.

We urge the board to further strengthen these regulations by adopting definitions of “infrequent nature” and “minor surface disturbance” to clarify which mining proposals are eligible to apply for the (f) exemption. Previous exemptions were granted for projects disturbing up to 150 acres and for projects moving over 3 million cubic yards of material, far greater than common understanding of “minor.” A definition of “infrequent nature” would further clarify the application of the exemption so that it is clear it is not meant to apply to ordinary mining operations which are often intermittent due to seasonal conditions and/or business cycles. Board discretion is important, but it should be applied consistently. Establishing clear definitions will improve the permitting process for the board, applicants, and the public.

Thank you,

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