



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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REVISED OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, March 8, 2018

10:00 a.m.

**California State Capitol
Assembly Hearing Room #444
Sacramento, California 95814**

For questions or comments regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or via email at smbg@conservation.ca.gov. This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's web site at: <http://www.consrv.ca.gov/smgb/>.



PUBLIC MEETING AGENDA

1. Call to Order (Potter)

The meeting was called to order at 10:08 a.m. by Chair Potter.

2. Pledge of Allegiance

3. Roll Call and Declaration of a Quorum

The roll was called with Members Anderson, Kappmeyer, Kenline, Landregan, Noushkam, Potter, and Sheingold and Member Zafir absent and a quorum was declared.

4. Review of the Agenda (Potter)

5. Department Reports

- State Geologist's Report

State Geologist, Dr. John Parrish, reported on the following:

- The Earthquake Early Warning System has stalled for the time being due to budget issues.
- CGS is currently beta testing a map allowing one to enter a parcel number and see all of the potential geological hazards for that parcel; release to the public is expected next week.
- There is a new feature on the CGS website, a Ground Motion Interpolator. Clicking a site or entering latitude/longitude will display probabilistic ground motion acceleration on the site.
- Dr. Parrish will travel to D.C. next week for the Association of State Geologists spring meeting.
- Dr. Parrish gave a presentation on the Montecito landslides/debris flow, and CGS's role in mapping and determining hazards.

- Division of Mine Reclamation Report

Division Supervisor, Pat Perez, reported on the following for DMR and the Director's report:

- The first Inspector Training Workshop is scheduled for March 20-21 in Santa Ana; online registration is available.
- DMR recently hired one new staff member and one intern for data collection and administration of the LARA program. Cities of San Bernardino and Rialto are in progress; City of Palmdale and County of Ventura are up next.
- The Department is moving to expand outreach and support to local government agencies, bringing together all divisions within DOC.

6. Chair's Report (Potter)

Chair Potter introduced the newest member of the Board, Larry Sheingold. Mr. Sheingold fills the public member slot.

7. Executive Officer's Information Report (Schmidt)

- There are three bills with provisions related to SMARA; two are placeholders, and the third is a cleanup of the current suction dredge law.
- The Governor's office has promised that the final slot on the board will be filled before the Governor's term ends.

8. Senior Engineering Geologist's Report (Arcand)

- Four 2017 inspection reports have been completed; three have been accepted as complete by the Executive Officer.
- The CEQA contractor selection process continues; three interviews were conducted on February 22.

9. Associate Governmental Program Analyst's Report (Lash)

Nick Lash provided an update and timeline of the rulemaking packages. Of note were:

- Package #3, Inspections, Inspection Report Form, and Notice of Completion of Inspection Form – the original package was withdrawn; pre-rulemaking on the new package is expected to be before the Board in May.
- Package #4 – working with DMR and DOC on development of regulatory language.
- Package #5 – forms have been approved by AG's office and are in process with OAL; they will become effective upon filing with Secretary of State.
- Packages #8 and #9 – pre-rulemaking set to begin this year.
- Package #10 – in 45-day comment period with OAL which ends March 13.

10. Ex-Parte Communication Disclosure

No Ex-Parte disclosures.

11. Public Comment Period

No public comments.

12. 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 a particular item may request the Chair to remove the item from the Consent Calendar and consider it separately.

- A. Consideration and Approval of Minutes of the January 11, 2018 Regular Business Meeting.
- B. Approval of a Revised Financial Assurance Cost Estimate for Lawyer Pit (CA Mine ID #91-09-0010), Archie's Trucking and Backhoe (Operator), Archie Lawyer (Agent), County of El Dorado.

Vice Chair Landregan moved to approve the consent items. Member Anderson seconded and the motion carried with a unanimous roll call vote.

13. Rulemaking Action Items

14. Additional Action Items

- A. Consideration and Adoption of the 2017 Annual Fee Schedule for Mines Subject to the Surface Mining and Reclamation Act (SMARA; Public Resources Code Sections 2710 et seq. and 2207).

Member Noushkam moved to adopt the 2017 Annual Fee Schedule. Member Kappmeyer seconded and the motion carried with a unanimous roll call vote.

- B. Election of new SMGB Vice Chair.

Member Anderson moved to re-elect Member Landregan as Vice Chair. Member Noushkam seconded and the motion carried with a unanimous roll call vote.

C. Consideration and Adoption of SMGB Standing Committees.

15. Special Reports, Presentations, and Events

Based on these Reports, the Chair may instruct Board staff to initiate administrative actions.

A. CEQA Contractor Presentation

Executive Officer Schmidt gave a brief presentation on the CEQA contractor selection process. Three candidates were interviewed; results of those interviews will be on April agenda.

Information only, no action taken.

B. Discussion of Site Visit to the Hallwood Side Channel and Floodplain Restoration Project on the Lower Yuba River, Yuba County.

Will Arcand gave a brief presentation showing the site and providing an overview of the exemption project.

Information only, no action taken.

16. Board Committee Reports

- Geohazards Committee (Chair Potter)
- Minerals Conservation and Reclamation Committee (Chair Kenline)
 - Working on coordinating workshops and preparing a questionnaire for the backfill regulations.
- Board Policy and Administration Committee (Chair Landregan)
 - Executive Officer evaluation forms will go out to Board members in April.
 - Annual Report and Strategic Plan have been completed.
- Board Lead Agency Standards Committee (Vacant)

17. Executive Session (Closed to the Public)

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

Possible Items to be discussed:

Pending Litigation to which the Board, or its officials, are a party:

- A. Teichert and Sons, Inc. v. SMGB, Western Aggregates, LLC, Real Party in Interest (Sacramento County Superior Court Case No. 34-20108000528; Third District Court of Appeal Case No. C082333)
- B. Joe & Yvette Hardesty v. SMGB (Sacramento County Superior Court Case No. 34-2010-80000594; Third District Court of Appeal Case No. C079617)
- C. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2012-80001070)
- D. Hardesty et al. v. SMAQMD et al. (United States District Court, Eastern District of California Case No. 2:10-cv-02414-KJM-KJN)
- E. Daniel Tankersly v. Will Arcand et al. (United States District Court, Eastern District of California Case No. 2:15-cv-01278-TLN-CMK)

Re-open Regular Business Session, Announce Results of Executive Session

Deputy Attorney General, Nicole Rinke, reported that Executive Session was held and no action was taken.

18. Announcement of Future Meetings

The next meeting will be held on April 12, 2018 in Marysville.

19. Adjournment

The meeting was adjourned at 3:00 p.m.

APPROVED

Sandra Potter, Chair

Jeffrey Schmidt, Executive Officer