



Publication Date: December 23, 2019

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, January 16, 2020

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 smgb@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 (Sheingold)**
2. **Pledge of Allegiance**
3. **Roll Call and Declaration of a Quorum**
4. **Review of the Agenda (Sheingold)**
5. **Department Reports**
 - Division of Mine Reclamation Report (TBA)
 - California Geological Survey Report (TBA)
 - Director of Conservation's Report (TBA)
6. **Chair's Report (Sheingold)**
7. **Executive Officer's Report (Schmidt)**
8. **Senior Engineering Geologist's Report (Arcand)**
9. **Regulatory Specialist's Report (Livers)**
10. **Board Committee Reports**
 - Policy and Administration (Chair Landregan)
 - Compliance and Enforcement (Chair Kenline)
 - Geohazards (Chair Zafir)
 - Lead Agency Standards (Chair Kappmeyer)
 - Minerals Conservation and Reclamation (Chair Garza)
11. **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.
12. **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. All persons wishing to address the Board are encouraged to complete a speaker card and present it to the Board Secretary. Speakers are limited to three minutes except by special consent of the Chair.
13. **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 September 12, 2019 Regular Business Meeting.
 - B. Consideration and Approval of Proposed Amended Regulatory Language and Final Rulemaking Package #4(a), Financial Assurance Cost Estimate (FACE) Appeals (Title 14 of the California Code of Regulations, Division 2, Chapter 8, Subchapter 1, Article 7, Sections 3680 – 3690 and 3691.1 – 3691.10).

14. Additional Action Items

- A. Consideration and Approval of 2020 SMGB Meeting Schedule.

15. Special Presentations, Reports, and Informational Items

- A. TsuTAP Status Report
Rick Wilson, Sr. Engineering Geologist
Seismic Hazards Program, Tsunami Unit Manager, CGS
- B. Overview of the DMR Lead Agency Review and Assistance Program
Carol Atkins, Sr. Environmental Scientist
Environmental Services Unit, DMR
- C. Recognition of Illustrious Service for Pat Perez, the outgoing supervisor of the Division of Mine Reclamation.

16. 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.

- A. To discuss pending litigation to which the Board, or its officials, are a party pursuant to Government Code Section 11126(e)(1):
 - 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 et al. v. SMGB (Sacramento County Superior Court Case No. 34-2012-80001070)
 - c. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2013-80001561)
 - d. Daniel Tankersly v. Will Arcand et al. (United States District Court, Eastern District of California Case No. 2:15-cv-01278-TLN-CMK)
 - e. Hardesty, et al. v. Will Arcand, et al. (Nevada County Superior Court Case No. CU19-083817)
- B. To discuss potential litigation involving the Board pursuant to Government Code Section 11126(e)(2).

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

17. Announcements and Future Meetings

18. Adjournment

THE STATE MINING AND GEOLOGY BOARD

A. THE BOARD

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

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 the 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.

SPECIALTY	MEMBER NAME	CURRENT TERM
Non-specialized public member	Larry Sheingold, Chair	2018-2022
Mining Engineer with background and experience in mining in California	George Kenline, Vice-Chair	2017-2021
Mineral resource conservation, development, or utilization	Brian Anderson	2019-2023
Environmental protection or the study of ecosystems	Pablo Garza	2017-2021
Registered Geologist with background and experience in mining geology	Janet Kappmeyer	2017-2021
Landscape Architect	Stephanie Landregan	2018-2022
Registered Geologist, Geophysicist, or Civil Engineer with background and experience in seismology	Zia Zafir	2016-2020
Groundwater hydrology, water quality, or rock chemistry	Vacant	2016-2020
Representative of local government with background and experience in urban planning	Vacant	2019-2023

*Board member terms effectively terminate January 15 of the term-ending year.

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 operates within 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)

Under this Act, *Public Resources Code Sections 2710 et seq. and its regulations at 14 Cal. 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 (A-P)

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 so as to protect the health, safety and welfare of the public.

Seismic Hazards Mapping Act (SHMA)

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.

B. GENERAL PROCEDURAL INFORMATION ABOUT SMGB MEETINGS

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

- (1) Publish an Agenda at least ten days in advance of any meeting
- (2) Describe in the Agenda specific items to be transacted or discussed
- (3) Refuse to add an item no later than 10 days prior to any meeting and republishing of the Agenda.
- (4) A Closed Session may be called by the Chair to discuss litigation and other matters.

The Board Agenda will be available approximately 15 days prior to the scheduled meeting. Other Agenda material and reports will be available approximately one week prior to the scheduled Board meeting. All Board related information is available at <http://www.conservation.ca.gov/smgb>. All meetings are open to the public and held in facilities in accordance with the Americans with Disabilities Act.

The Board encourages the submittal of comments, written material, or technical reports to include plans, specifications, maps, cross sections, boring or trench logs, and diagrams 30 days prior to the applicable Board meeting. All such material concerning any matters on the Agenda should be addressed to:

Jeffrey Schmidt, E.O.
State Mining and Geology Board
801 K Street, MS 20-15
Sacramento, California, 95814
Jeffrey.schmidt@conservation.ca.gov

Please identify the agenda item name and number on all correspondence. Timely submitted written material will be provided to the Board along with the full Agenda materials, and will be uploaded to the Board web site at <http://www.consrv.ca.gov/smgb/> for the Agenda item in question. The Board retains discretion to determine whether or not it will consider late submittals at the meeting.

All testimony, files, and documents are made a part of the administrative record.