



Publication Date: April 4, 2020 (Revised)

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, April 16, 2020

10:00 a.m. – 12:00 p.m.

Please be advised that the meeting will be recorded.

To avoid any background noises while the meeting is in session, we ask that you mute your device. To join our meeting, please download the latest version of Blue Jeans by visiting their website at www.bluejeans.com (scroll down to the bottom and click ‘download’) or install the Blue Jeans app on your phone. Join the meeting as a guest and enter the Meeting ID Number 739 774 830. You may also join us by phone by calling one of the four numbers (888) 748-9073, (844) 540-8065, (408) 419-1715 or (408) 915-6290 and entering the Meeting ID Number 739 774 830.

For questions or comments regarding this Agenda or for any requests for reasonable accommodations, please contact the SMGB office by 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**
 - Director of Conservation's Report (Haas)
 - Division of Mine Reclamation (Haas)
 - California Geological Survey Report (Short)
- 6. Chair's Report (Sheingold)**
- 7. Executive Officer's Report (Schmidt)**
- 8. Regulatory Specialist's Report (Livers)**
- 9. 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)
- 10. 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.
- 11. 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 make a request of the Chair, request to speak, and state their name. Speakers will be allowed to speak in order of request. All speakers are limited to three minutes except by special consent of the Chair.
- 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 16, 2020 Regular Business Meeting.
- 13. Action Items**
 - A. Consideration and adoption of the 2019 Annual Fee Schedule for Mines, subject to the Surface Mining and Reclamation Act (PRC Sections 2710 et seq. and 2207).

- B. Consideration and Approval of Proposed Amended Regulatory Language and Final Rulemaking Package #4(b), Reclamation Plan Appeals (Title 14 of the California Code of Regulations, Division 2, Chapter 8, Subchapter 1, Article 5, Sections 3650 – 3659).
- C. Consideration and Approval of Proposed Amended Regulatory Language and Final Rulemaking Package #7, Appeals of Orders to Comply with SMARA (Title 14 of the California Code of Regulations, Division 2, Chapter 8, Subchapter 1, Article 14, Sections 3940 – 3948).
- D. Consideration and Approval of Proposed Amended Regulatory Language and Final Rulemaking Package #8, Forfeiture of Financial Assurance Mechanism (Title 14 of the California Code of Regulations, Division 2, Chapter 8, Subchapter 1, Article 11.5, Sections 3810 – 3817).

14. 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. The executive session will be held via an alternate teleconference line, which will be provided to board members prior to the meeting. The primary conference line will remain open during the executive session and members of the public may remain on the line. Board members will re-join the main teleconference after the conclusion of the executive session.

- 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

15. Announcements and Future Meetings

16. 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 seismic hazards, the conservation of mineral resources, and the reclamation of mined 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 which are represented in the following chart.

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 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 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 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.

All Board 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.