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Publication Date: Friday, September 11, 2020 (revised)

# OFFICIAL NOTICE OF PUBLIC MEETING

## THE STATE MINING AND GEOLOGY BOARD

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

**Thursday, September 17<sup>th</sup>, 2020 at 10:00 a.m.**

**This meeting will be held 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. Enter the Conference ID Number **611 891 590#** to join the meeting. You may also join us by phone by dialing (916) 318-8892 and entering the Conference ID Number **611 891 590#**.

The executive session will be held via an alternate MS Teams 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.

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 web site 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**
  - Director of Conservation's Report (Shabazian)
  - Division of Mine Reclamation Report (Haas)
  - California Geological Survey Report (Bohlen)
6. **Chair Report (Sheingold)**
7. **Executive Officer Report (Schmidt)**
8. **Senior Geologist Report (Fry)**
9. **Senior Policy Analyst 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 virtual speaker card via chat on the MS Teams platform. 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 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 following Regular Business Meetings:

April 16, 2020 - May 21, 2020 - June 25, 2020 - July 28, 2020

**14. Additional Action Items**

**15. Special Presentations, Reports, and Informational Items**

- A. The Essential Role and Benefit of California's Construction and Materials Industry During COVID-19 (Adam Harper, CalCIMA)
- B. Recognition of Illustrious Service for Will Arcand (former Senior Engineering Geologist)

**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.

The executive session will be held via an alternate MS Teams 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. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2012-80001070)
  - b. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2013-80001561)
  - c. Daniel Tankersly v. Will Arcand et al. (United States District Court, Eastern District of California Case No. 2:15-cv-01278-TLN-CMK)
  - d. Hardesty, et al. v. Will Arcand, et al. (Nevada County Superior Court Case No. CU19-083817)
  - e. Dan Tankersley v. California State Mining and Geology Board (Sacramento County Superior Court Case No. 34-2020-00278671)
- 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

## **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.

<b>SPECIALTY</b>	<b>MEMBER NAME</b>	<b>TERM</b>
<b>Non-specialized public member</b>	Larry Sheingold, Chair	2018-2022
<b>Mining Engineer with background and experience in mining in California</b>	George Kenline, Vice-Chair	2017-2021
<b>Mineral resource conservation, development, or utilization</b>	Brian Anderson	2019-2023
<b>Environmental protection or the study of ecosystems</b>	Pablo Garza	2017-2021
<b>Registered Geologist with background and experience in mining geology</b>	Janet Kappmeyer	2017-2021
<b>Landscape Architect</b>	Stephanie Landregan	2018-2022
<b>Registered Geologist, Geophysicist, or Civil Engineer with background and experience in seismology</b>	Zia Zafir	2020-2024
<b>Groundwater hydrology, water quality, or rock chemistry</b>	Vacant	2016-2020
<b>Representative of local government with background and experience in urban planning</b>	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 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 (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.

### **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 ten 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
- (5) All testimony, files, and documents are made a part of the administrative record

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>.

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: <http://www.conservation.ca.gov/smgb> or addressed to:

**State Mining and Geology Board  
801 K Street, MS 20-15  
Sacramento, CA 95814**