



Publication Date: Friday, March 10th, 2023

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, March 23rd, 2023, 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. After installing MS Teams on your device click on the [Microsoft Teams Meeting](#) link to join the meeting (**Meeting ID: 297 928 946 403 and Passcode: DJrx3e**). You may also join us by phone by dialing (916) 318-8892 and entering the Phone Conference ID Number: **836 723 857#**.

For questions or comments regarding this Agenda, please contact the Board by email at smgb@conservation.ca.gov. This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's website 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**
 - Department of Conservation Report (Tiffany)
 - Division of Mine Reclamation Report (Campbell)
 - California Geological Survey Report (TBD)
6. **Chair Report (Sheingold)**
7. **Executive Officer Report (Schmidt)**
8. **Geologist Report (Fry, Jones)**
9. **Board Committee Reports**
 - Policy and Administration (Chair Landregan)
 - Geohazards (Chair Zafir)
 - Mineral Conservation (Chair Anderson)
 - SMARA Compliance (Chair Kenline)
10. **Ex-Parte Communication Disclosure**

Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code (PRC) 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. Speaker testimony is 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 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 Regular Business Meeting held on:

December 15th, 2022

13. Regular Business Items

- A. Consideration and Approval of the Metropolitan Water District's Master Reclamation Plan.
- B. Consideration and Approval of the Board's draft Mining Ordinance Guidance Document.
- C. Consideration and Approval of the Board's draft language for proposed regulations pursuant to PRC 2714 (f).

14. Presentations, Reports, and Informational Items

15. Executive Session (Closed to the Public)

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

16. Announcements and Future Meetings

17. Adjournment

THE STATE MINING AND GEOLOGY BOARD

THE BOARD

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

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 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.

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 an independent entity within the 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

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

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

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 BOARD MEETINGS

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- (4) Call a closed session by the Chair to discuss litigation and other matters
- (5) Make all testimony, files, and documents 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 <https://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: smgb@conservation.ca.gov or addressed to:

**State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814**



Agenda Item No. 12A

March 23, 2023

Consideration and Approval of Minutes for the December 15, 2022, Regular Business Meeting

INTRODUCTION:

Approve the Conformed Minutes for the State Mining and Geology Board's December 15, 2022, Regular Business Meeting.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board approve the Conformed Minutes for the December 15th, Regular Business Meeting.

Respectfully submitted:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Jeffrey Schmidt,
Executive Officer



*****DRAFT*****

CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, December 15th, 2022, at 9:30 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. After installing MS Teams on your device click on the [Microsoft Teams Meeting](#) link to join the meeting (**Meeting ID: 278 628 882 246 and Passcode: fozS8h**). You may also join us by phone by dialing (916) 318-8892 and entering the Phone Conference ID Number: **232 058 199#**.

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.

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PUBLIC MEETING AGENDA

1. **Call to Order (Sheingold)**
Meeting was called to order at 9:30 a.m. by Chair Sheingold.
2. **Pledge of Allegiance**
3. **Roll Call and Declaration of a Quorum**
Roll was called with Members Kappmeyer, Kenline, Landregan, Zafir, Vice Chair Anderson and Chair Sheingold present and a quorum was declared.
4. **Review of the Agenda (Sheingold)**
Chair Sheingold made his general announcements and recognized Stephanie Landregan who had an article published in Sierra Club.
5. **Department Reports**
 - Department of Conservation Report (Tiffany)
Deputy Director, Gabe Tiffany reported on SB 905, the revamping of the State Geologist duty statement and mentioned that the 2023/2024 budget is looking at a projected \$24-50 billion deficiency and could possibly effect spending and hiring.
 - Division of Mine Reclamation Report (Campbell)
DMR Supervisor, Cameron Campbell reported that they had an in-person Inspection Workshop on December 2nd in Sacramento with 25 participants and mentioned that they plan to have both in-person and virtual workshops in 2023. Cameron also provided a brief update on SB 125, SMARA III and CCR 3504.
 - California Geological Survey Report (TBD)
Jeff Newton provided a brief program update and provided an update presentation on 2022 Geologic Mapping projects.
6. **Chair Report (Sheingold)**
Chair Sheingold reported that he continues to meet with board staff on a regular basis and has met with DOC staff regarding Climate Opportunities & Mines and State Geologist recruitment.
7. **Executive Officer Report (Schmidt)**
Executive Officer, Jeffrey Schmidt provided a brief update on PRC 2714(f), Model Ordinance Guidance Document and SB 125. Jeffrey mentioned that board staff met with CGS staff regarding revisions and updates to the Board's Guidelines for Classification and Designation of Mineral Lands document. Jeffrey also reported that on December 1st the Lithium Valley Commission submitted it's report on findings and recommendations to the Legislature, the full report can be found on the California Energy Commission's website (energy.ca.gov).
8. **Geologist Report (Fry, Jones)**
Paul Fry and Mallory Jones presented a brief PowerPoint presentation on their activity since the last board meeting. Mallory reported that they have completed 23 of the 29 Annual Mine Inspections, facilitated a DMR staff visit to the Metropolitan Water District's 14 borrow pits for a Reclamation Plan review in October. Paul reported that we have responded to numerous Public Records Act Requests, participated in DMR's workshop in November, worked with DOC

staff on Model Ordinance Guidance Document and concluded his report with a brief update on the Lower Long Bar Restoration Project.

9. Board Committee Reports

- Policy and Administration (Chair Landregan)
Chair Landregan reported that she will be providing her report on the Annual Report for agenda item 13B.
- Geohazards and Mineral Conservation (Chair Zafir)
Chair Zafir had nothing to report but requested a February meeting.
- SMARA Compliance (Chair Anderson)
Chair Anderson reported that they reviewed the proposed Solano County SMARA Ordinance draft and received a staff update on the SMARA Model Ordinance at their meeting on September 14th.

10. Ex-Parte Communication Disclosure

There were no Ex-Parte disclosures.

11. Public Comment Period

Public comments were provided by Rhoda Fry and Carrie Monohan.

Rhoda Fry provided comments on Lehigh, Stevenson Quarry, and Permanente Quarry. Rhoda is requesting that we urge the county to get Lehigh to do a Reclamation Plan.

Carrie Monohan with Sierra Fund expressed interest in the SMARA exemption process and wanted confirmation that their comments were received on time.

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 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 Regular Business Meeting held on:
- ❖ Member Landregan motioned and Member Zafir seconded approval of the September 15th, 2022, minutes. Member Kappmeyer abstained herself from voting and the motion passed with a unanimous roll call vote.

13. Regular Business Items

- A. Certification of the Solano County Amended Surface Mining and Reclamation Ordinance as being in accordance with the Surface Mining and Reclamation Act (Public Resources Code Section 2710 et seq.).
- Paul Fry provided a presentation on Solano County Ordinance. On August 9, 2022, Solano Board of Supervisors adopted revisions to their ordinance. Following the SMARA Compliance Committee meeting, SMGB staff consulted with County staff and provided suggestions to SMARA exemptions. Nash thanked the Board for their help and feedback.
 - ❖ Member Anderson motioned and Member Kappmeyer seconded certification of Solano County Ordinance No. 2022-1839. The motion passed with a unanimous roll call vote.

- B. Consideration and Approval of the 2021-2022 Annual Report.
 - Member Landregan mentioned several highlights from the 2021-2022 Annual Report and commended Jeffrey and Larry on their leadership.
 - ❖ Member Kenline motioned and Member Kappmeyer seconded approval of the 2021-2022 Annual Report. The motion passed with a unanimous roll call vote.
- C. Consideration and Approval of the 2023 SMGB Meeting Schedule.
 - Jeffrey requested approval of the 2023 SMGB Meeting Schedule.
 - ❖ Member Kappmeyer motioned and Member Landregan seconded approval of the 2023 Meeting Schedule. The motion passed with a unanimous roll call vote.
- D. Consideration and Approval of the New Board Committees Roster.
 - Chair Sheingold presented the new Board Committee Roster to the board.
 - ❖ Member Kappmeyer motioned and Member Zafir seconded approval of the new Board Committee Roster. The motion passed with a unanimous roll call vote.

14. Presentations, Reports, and Informational Items

- A. Department of Conservation 2023 Equity Action Plan – Embedding Equity (Jamie Fong and Randella Tyler, DOC)
 - Jamie Fong and Randella Tyler provided a brief PowerPoint presentation on DOC's 2023 Equity Action Plan with Equity Embedded.
- B. Mines As Climate Opportunities (Elizabeth Betancourt, DOC)
 - Elizabeth Betancourt provided a presentation on Mine Reclamation as a Climate Resilience Opportunity. Larry mentioned various options that the board could possibly take. Board members and Adam Harper offered their thoughts and ideas.

15. Executive Session (Closed to the Public)

There was no Executive Session.

16. Announcements and Future Meetings

Jeffrey announced that the next board meeting is scheduled for January 19th.

17. Adjournment

- ❖ Member Zafir motioned and Member Kappmeyer seconded adjournment. Chair Sheingold called a unanimous roll call vote and meeting was adjourned at 11:48 a.m.

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**State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814**

Agenda Item No. 13A

March 23, 2023

Consideration and Approval of the Metropolitan Water District's Master Reclamation Plan

INFORMATION AND BACKGROUND:

Under the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code Section (PRC) 2710 et seq.), a surface mining operation must have a permit, a reclamation plan and financial assurances approved by its respective lead agency.

Metropolitan Water District of Southern California (Metropolitan) uses borrow sites, located in San Bernardino County and Riverside County, to obtain material to respond to emergencies or for their own operations and maintenance of infrastructure along the Colorado River Aqueduct.

In 2021, the California State Legislature passed, and Governor Gavin Newsom signed into law Assembly Bill (AB) 442 (Mayes). AB 442:

- became effective on January 1, 2022.
- exempts Metropolitan from certain provisions of SMARA (see PRC sections 2714(j) and 2715.6.), including the requirement to obtain a surface mining permit.
- requires Metropolitan to prepare a Master Reclamation Plan (MRP), which identifies each individual surface mining operation and satisfies reclamation requirements for each individual surface mining site.
- authorizes Metropolitan to act as the lead agency for environmental review of the MRP for purposes of the California Environmental Quality Act (CEQA).
- authorizes the State Mining and Geology Board (Board) to act as the SMARA lead agency for surface mining operations conducted by Metropolitan, including approval of the MRP.

The Board is considering approval of the MRP for the Colorado River Aqueduct Borrow Sites pursuant to PRC sections 2715.6, 2770, 2772 and 2772.1.

MRP REVIEW TIMELINE:

The timeline below summarizes the Board's review of the MRP:

- January 27, 2022: Metropolitan submitted the draft MRP to Board staff for review. Board staff provided Metropolitan preliminary comments following review of the documents.
- February 28 thru March 2, 2022: Board staff conducted site visits of each of each borrow site along the Colorado River Aqueduct. Following the site visits, Board staff provided Metropolitan additional comments on the MRP.
- July 8, 2022: Metropolitan submitted a revised MRP to the Board, substantially addressing Board comments.
- August 12, 2022: The MRP was submitted to the Department of Conservation's Division of Mine Reclamation (DMR) for review and comment consistent with PRC section 2772.1.
- October 11 through 13, 2022: DMR and Board staff conducted site visits of each of borrow site along the Colorado River Aqueduct.
- October 19, 2022: DMR provided to the Board a "No Comment Letter" regarding the MRP.
- February 13, 2023: Metropolitan's Board of Directors adopted the Mitigated Negative Declaration for the MRP and finalized related CEQA actions. Also, the Board notified DMR of the intent to approve the MRP at the March 23, 2023, Regular Business Meeting.

SUPPORTING DOCUMENTATION:

The Master Reclamation Plan, CEQA, and supporting documents are provided for your review and can be accessed here: <https://doc.box.com/s/5jztin0p39lw9fhb2px2vd408p5w6dr5>

1. "Master Reclamation Plan, Colorado River Aqueduct Borrow Sites," by Sespe Consulting, Inc., dated November 2022.
2. "Colorado River Aqueduct, Master Reclamation Plan for San Bernardino and Riverside Counties, Final Draft Initial Study-Mitigated Negative Declaration, Report No. 1639," by the Metropolitan Water District of Southern California, dated February 2023.
3. "Colorado River Aqueduct, Master Reclamation Plan for San Bernardino and Riverside Counties, Responses to Comments Received, Report No. 1639," by the Metropolitan Water District of Southern California, dated February 2023.
4. "Colorado River Aqueduct, Master Reclamation Plan for San Bernardino and Riverside Counties, Mitigation Monitoring and Reporting Program, Report No. 1639," by the Metropolitan Water District of Southern California, dated January 2023.
5. Metropolitan Board of Director Meeting Minutes approving CEQA actions and the MRP, dated February 13, 2023
6. Notice of Determination to CA Office of Planning and Research, dated February 13, 2023.
7. Notice of Determination to Riverside County, dated February 13, 2023.
8. Notice of Determination to San Bernardino County, dated February 13, 2023.
9. Master Reclamation Plan, California Fish and Game Electronic Receipt.
10. Master Reclamation Plan submittal letter to DMR, dated August 12, 2022.
11. Master Reclamation Plan comment letter from DMR, dated October 19, 2022.
12. Master Reclamation Plan Notice of Intent to Approve letter to DMR, dated February 13, 2023.

EXECUTIVE OFFICER RECOMMENDATION: The Executive Officer recommends that the Board approve Metropolitan's Master Reclamation Plan for the Colorado River Aqueduct Borrow Sites.

SUGGESTED MOTION:

Board Chair, in light of the information before the Board today, I move that the Board approve Metropolitan's Master Reclamation Plan for California River Aqueduct Borrow Sites in accordance with the Surface Mining and Reclamation Act of 1975.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer



Agenda Item No. 13B

March 23, 2023

Consideration and Approval of the Board's draft Mining Ordinance Guidance Document

AGENDA ITEM 13B DEFERRED



Agenda Item No. 13C

March 23, 2023

Consideration and Approval of the Board's draft language for proposed regulations pursuant to PRC 2714 (f)

BACKGROUND:

The State Mining and Geology Board (Board) represents the State's interest in the development, utilization, and conservation of the mineral resources of the State and the reclamation of mined lands. The Board determines, establishes, and maintains an adequate surface mining and reclamation policy for the State.

The "(f) exemption" allows the State Mining and Geology Board (Board) to exempt certain surface mining operations from the Surface Mining and Reclamation Act that are of an "infrequent nature" and "involve only minor surface disturbances."

SMARA includes several exemptions for construction, farming, timber, and flood control purposes, amongst others. One of the exemptions in SMARA allows the Board to exempt certain surface mining operations that are of an infrequent nature and that involve only minor surface disturbances.

The Board's authority to determine this exemption has been in the SMARA statutes since it was initially enacted in 1975. Currently, the Board is limited with useful guidance criteria for the (f) exemption process.

As a result, the Board directed staff to develop regulations that clarify and make specific the process the Board would follow to exempt and operation from the SMARA under Public Resource Code section 2714(f).

STATUTORY AND REGULATORY AUTHORITY:

PRC Section 672: The board shall represent the state's interest in the development, utilization, and conservation of the mineral resources of the state and the reclamation of mined lands, as provided by law, and federal matters pertaining to mining, and shall determine, establish, and maintain an adequate surface mining and reclamation policy.

PRC Section 2714(f): This chapter does not apply to any...other surface mining operation that the board determines to be of an infrequent nature and that involve only minor surface disturbances.

PRC Section 2755: The board shall adopt regulations that establish state policy for the reclamation of mined lands in accordance with Article 1 (commencing with Section 2710) of this chapter and pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

PRC Section 2758(c): Such policy shall include objectives and criteria for...determining the circumstances, if any, under which the approval of a proposed surface mining operation by a lead agency need not be conditioned on a guarantee assuring reclamation of the mined lands.

PRC Section 2759: The state policy shall be continuously reviewed and may be revised. During the formulation or revision of the policy, the board shall consult with, and carefully evaluate the recommendations of, the supervisor, any district technical advisory committees, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

DISCUSSION:

The Board conducted Pre-Rulemaking Workshops on March 24, 2022, and August 18, 2022, to discuss the purpose of the proposed regulatory action and concepts for draft regulatory language. Over 80 persons participated in the Workshops including, Local Lead Agency staff, mine operators, mining industry consultants and association representatives, other State Agency staff, and members of the public.

The proposed regulatory language reflects feedback from stakeholders that require the SMARA Lead Agency is notified of an operator request for an exemption, entail the project proponent file a request for exemption with the Board and supporting information, ensure the Board maintains discretion while determining a potential exemption, define the hearing procedure for the exemption process, and describe the effect of the exemption if approved.

EXECUTIVE OFFICER RECOMMENDATION:

Approve the proposed regulatory language text, as discussed today, and direct Board staff to proceed with beginning the formal rulemaking process with the Office of Administrative Law.

SUGGESTED MOTION:

Board Chair, in light of the information before the Board today, I move that the Board approve the proposed regulatory language for the PRC section 2714(f) exemption, and direct Board staff to proceed with beginning the formal rulemaking process with the Office of Administrative Law.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

Attachments:

- 1 –Proposed Regulatory Language for PRC section 2714(f)

Title 14. Natural Resources

Division 2. Department of Conservation

Chapter 8. Mining and Geology

Subchapter 1. State Mining and Geology Board

Article 17. Surface Mining Operations of Infrequent Nature That Involve Minor Surface Disturbances

14 CCR § 4050

§ 4050 Purpose of Regulations. The regulations contained in this article set forth the standards and procedures that the State Mining and Geology Board shall use for the determination of exemptions pursuant to Public Resources Code section 2714(f).

§ 4051 Pre-submittal Consultation. To consider an exemption requested under Public Resources Code section 2714(f) the project proponent shall consult with the State Mining and Geology Board and the SMARA lead agency.

§ 4052 Eligibility for Exemption. Only a surface mining operation that the State Mining and Geology Board determines to be of an infrequent nature and that involves only minor surface disturbances shall be eligible for the exemption.

§ 4053 Filing a Request for a Determination of Exemption. A request for exemption under Public Resources Code section 2714(f) shall be initiated by filing a request for determination of exemption with the State Mining and Geology Board. The request for determination of exemption shall include the following information:

- a) Name, address, telephone number, and email address of the applicant and any agent for contact of service;
- b) Name, address, telephone number, and email address of the subject property owner(s);
- c) Name, address, telephone number, and email address of mineral rights owner(s);
- d) Name, address, telephone number, and email address of any lessee or lien holder to the surface mining operation;
- e) Name, address, telephone number, and email address for the land use lead agency;
- f) Name, address, telephone number, and email address for the SMARA lead agency;
- g) A map indicating the location, the latitude and longitude, and boundary of the surface mining operation;
- h) A legal description of such property comprising the surface mining operation, including township and range, metes and bounds, parcel numbers, or other descriptive methods to specifically identify such property;
- i) The local agency permit application and/or the approved permit and conditions of approval for the surface mining operation including any environmental review documentation prepared for the project;
- j) Copies of any other permits associated with the surface mining operations and a statement regarding the current status of required permits which have not yet been obtained;

PRC § 2714(f)
Proposed Regulatory Language

- k) Lead agency staff reports concerning the approval or impacts of the project and meeting minutes of any public hearings related to the lead agency's consideration or approval of the permit to conduct surface mining operations;
- l) The names and mailing addresses of the owners of all properties contiguous to the surface mining operation;
- m) The time frame planned for proposed surface mining operations, including start date and estimated schedule of completion;
- n) Approximate volume of material to be removed from the project;
- o) Approximate volume of topsoil proposed to be disturbed by surface mining operations;
- p) Approximate volume of overburden proposed to be disturbed by surface mining operations;
- q) Approximate volume of residual mining waste proposed to remain onsite following surface mining operations;
- r) Documentation of the funding and insurance to complete restoration of mined lands resulting from surface mining operations;
- s) Engineered grading plans showing current and proposed final elevations of mined lands; and
- t) A declaration or affidavit attesting to the true and accurate nature of the materials and information provided pursuant to this section.

§ 4054 Initial Review of a Request for a Determination of Exemption. The State Mining and Geology Board's Executive Officer shall initially evaluate whether the request for determination of exemption contains the minimum information specified in Section 4053 of this article and shall also determine if the request for exemption is complete within fifteen business days of receipt of the filing. If the State Mining and Geology Board's Executive Officer determines that the request for exemption does not contain sufficient information to meet the requirements of Section 4053, the request shall be rejected and the deficiencies in the request will be identified by the State Mining and Geology Board's Executive Officer in written correspondence to the applicant. The applicant shall address the deficiencies and may resubmit the request for a determination of exemption.

§ 4055 Administrative Record. The administrative record before the State Mining and Geology Board consists of the documents specified in section 4053, State Mining and Geology Board staff reports, and related materials other persons may have submitted to the State Mining and Geology Board during its consideration of the request for exemption.

§ 4056 Public Hearing. No determination of exemption will be made by the State Mining and Geology Board without a public hearing and an opportunity for the applicant, the lead agency, any interested persons, and the public to comment. The public hearing will be held by the State Mining and Geology Board within ninety days of the Board Executive Officer's determination that the request is complete and, at its discretion, within the county where the exemption is claimed or within the county of the State Mining and Geology Board's offices (County of Sacramento).

§ 4057 Hearing Procedures.

- (a) The public hearing should proceed in the following manner:
 - (1) Identification of the administrative record;
 - (2) Statements on behalf of the applicant;

PRC § 2714(f)
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- (3) Statements on behalf of the lead agency;
- (4) Statements on behalf of the public;
- (5) Rebuttal on behalf of the applicant;
- (6) Rebuttal on behalf of the lead agency;
- (7) Rebuttal on behalf of the public;
- (8) The State Mining and Geology Board shall determine by a vote whether the project is exempt from SMARA pursuant to Public Resources Code section 2714(f). The determination shall identify the specific facts that support or deny the exemption. If no final determination is reached by the Board, the Board may revisit the determination at a future Board meeting.
- (9) Motion to close the public hearing.

(b) Notwithstanding the above, the Chair of the State Mining and Geology Board, may in the exercise of discretion, determine the order of the proceedings, provide for additional testimony, or provide for additional rebuttal.

(c) The Chair of the State Mining and Geology Board may impose reasonable time limits upon statements and presentations and may accept written statements in lieu of oral statements. Written statements must be submitted at least five business days prior to the hearing.

§ 4058 Following the Public Hearing. Within ten days following the public hearing, the State Mining and Geology Board's Executive Officer will notify the applicant and the lead agency, by certified mail, of the determination of exemption. Notification of the final determination of the State Mining and Geology Board shall also be posted to the State Mining and Geology Board's website.

§ 4059 Effect of a Determination of Exemption. Under Public Resources Code section 2714(f), a determination of exemption by the State Mining and Geology Board exempts a surface mining operation from SMARA (Public Resources Code sections 2710 et. Seq.). The applicant shall notify the State Mining and Geology Board within thirty days of any future modification to the surface mining operation. The State Mining and Geology Board may conduct periodic inspections of the surface mining operation. The State Mining and Geology Board shall notify the operator and the Lead Agency at least five days prior to conducting an inspection of the surface mining operation. If surface mining operations are modified or conducted inconsistent with the submitted documents under 14 California Code of Regulations section 4053, the State Mining and Geology Board may, within its discretion, and hold a public hearing to reconsider its prior determination of exemption.

Reference: [Public Resource Code section 2714\(f\)](#)