



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

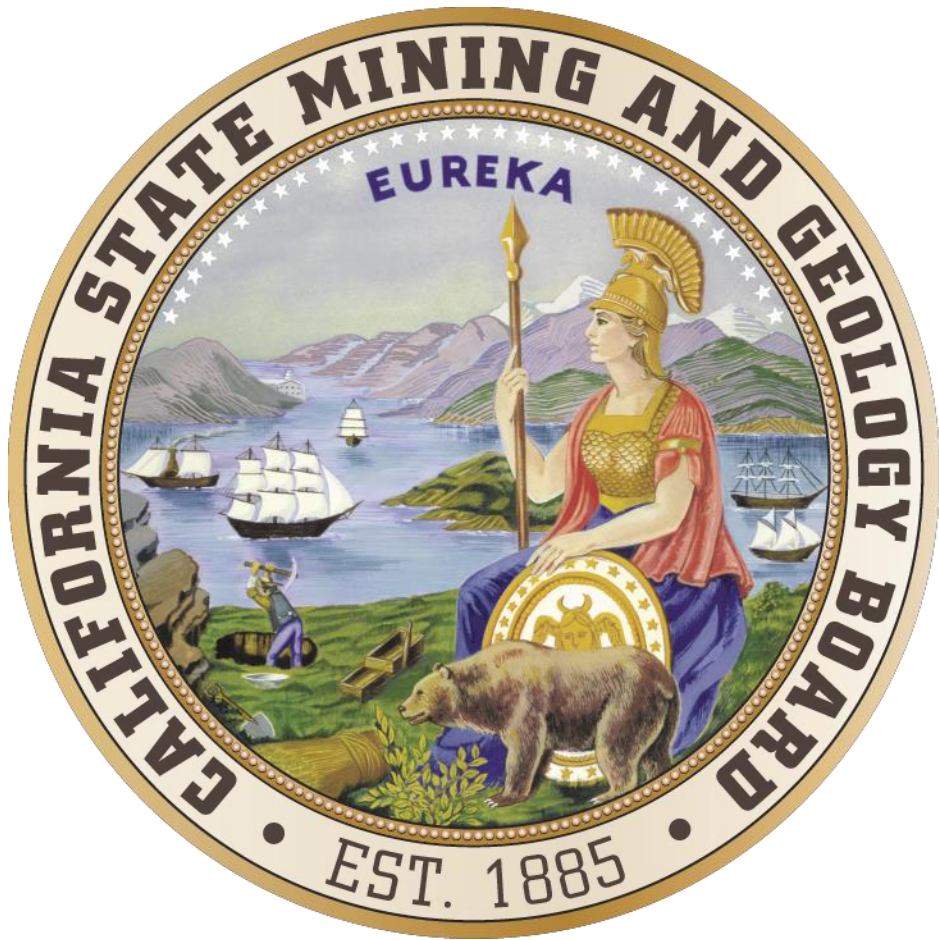
Wednesday, February 8, 2017

1:00 p.m.

LOCATION:

**John Muir Conference Room
801 K Street, 20th Floor, Suite 2016
Sacramento, California 95814**

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



PUBLIC MEETING AGENDA

1. Call to Order (Kracov)

The meeting was called to order at 1:00 p.m. by Chair Kracov.

2. Pledge of Allegiance

3. Roll Call and Declaration of a Quorum

Roll was called with all members present and a quorum was declared.

4. Review of the Agenda (Kracov)

5. Department Reports

- Director of Conservation's Report

Chief Deputy Director, Jason Marshall, reported on the following:

- The Department is working on cleanup relating to the SMARA reform legislation.

- State Geologist's Report

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

- CGS has been busy tracking debris flows around the state due to recent storms; they expect to continue seeing debris flows until June.
- The Earthquake Early Warning System budgeting must be complete and all contracts in by June 2017, with a 2-year commitment.
- The SP 42 Technical Advisory Panel (TAP) held their last meeting on Friday. Should take 2-3 weeks for the initial draft, then it will go out for peer review.

- Division of Mine Reclamation Report

Division Supervisor, Pat Perez, reported on the following:

- Two more workshops were held in November, and one in December. They received a lot of feedback, with the most discussion on the following topics: inspection dates/intervals; forms; whether licensed professionals need to take training; and whether consultants must be licensed professionals.

6. Chairman's Report

The Chair has nothing to report at this time.

7. Executive Officer's Information Report (Schmidt)

- The Governor released his initial budget in January. The SMGB budget has increased 14.6% over last year, mostly due to the BCP increasing the spending authority on legal costs.

8. Senior Engineering Geologist's Report (Arcand)

- Since the last meeting, 19 inspection reports have been written up, with 19 still to write.
- Three Notices of Violation have been drafted for sites in El Dorado County.
- Administrative invoices to go out within the next three weeks.
- The Fees Calculation rulemaking has been resubmitted and a decision from OAL is expected by March 21, 2017.

9. AGPA SMARA Reform Rulemaking Report (Lash)

- An overview of the status of the rulemaking packages was provided.
- A pre-rulemaking workshop on package #4 will be held in Southern California at the request of a lead agency; date and location to be determined.

10. Ex-Parte Communication Disclosure

No Ex-Parte disclosures.

11. Public Comment Period

No public comment.

12. Consent Items

All the items appearing under this section will be acted upon by the SMGB by one motion and without discussion; however, any SMGB 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, January 12, 2017 Regular Business Meeting.

B. Acceptance of Inspection Reports as Performed and Completed Pursuant to Public Resources Code (PRC) Section 2774(b) for the following Surface Mining Operations:

- Lapis Plant (CA Mine ID #91-27-0006), City of Marina
- Avalon Mine (CA Mine ID #91-33-0002), City of Jurupa Valley
- Super Creek Quarry (CA Mine ID #91-33-0003), City of Desert Hot Springs
- Philadelphia Recycling Mine (CA Mine ID #91-33-0029), City of Jurupa Valley
- Garnet Pit (CA Mine ID #91-33-0031), City of Palm Springs
- Pyrite Quarry (CA Mine ID #91-33-0062), City of Jurupa Valley
- Teichert Hallwood Plant (CA Mine ID #91-58-0006), County of Yuba
- Teichert Marysville Plant (CA Mine ID #91-58-0019), County of Yuba

Member Kenline moved to accept the consent item. Member Noushkam seconded and the motion carried with a unanimous roll call vote.

13. Rulemaking Action Items

A. Consideration and Approval of Revised Rulemaking Package #1, Fees Calculation, (CCR, Title 14, Division 2, Chapter 8, Subchapter 1, Article 8, Section 3698).

Removed from consideration.

B. Consideration and Approval of Proposed Regulatory Language and Final Rulemaking Package #2, Financial Assurance Cost Estimate (FACE) Form, (PRC §2773.1(a)(4)).

Ian Stevenson with DMR presented the final documents to be part of the final rulemaking package, highlighting the changes made since the form initially before the board.

Adam Harper, CalCIMA, approves of the changes and supports the adoption of the regulation.

Member Potter moved to approve and adopt the supplemental language and to direct staff to initiate rulemaking. Member Anderson seconded and the motion carried with a unanimous roll call vote.

14. SMGB Committee Reports

- Geohazards Committee (Chair Potter)

Member Potter provided an update on the progress of the TAP for SP 42.

- Minerals Conservation and Reclamation Committee (Chair Kenline)

Member Kenline reported that a committee meeting and pre-rulemaking workshop was held prior to the regular business meeting.

- Board Policy and Administration Committee (Chair Landregan)

Vice Chair Landregan stated that the EO Evaluation documents will go out to Board members and EO Schmidt by the end of March.

- Board Lead Agency Standards Committee

Member Noushkam stated that the committee has not met; committee does not have a quorum due to Member Lane's departure from the Board.

15. Executive Session (Closed to the Public)

The SMGB 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 SMGB, or its officials, are a party:

- A. Dutra Materials v. SMGB, Chevron Products Company, Real Party in Interest (Contra Costa County Superior Court Case No. N10-0388; First District Court of Appeal Case No. A147277)
- B. 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)
- C. Joe & Yvette Hardesty v. SMGB (Sacramento County Superior Court Case No. 34-2010-80000594; Third District Court of Appeal Case No. C079617)
- D. Joe & Yvette Hardesty et al. v. SMGB (Sacramento County Superior Court Case No. 34-2012-80001070)
- E. Daniel Tankersly v. Will Arcand et al. (United States District Court, Eastern District of California Case No. 2:10cv-02414-KJMKJN)

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

Deputy Attorney General, Chris Tiedemann, reported that Executive Session was held and no action was taken.

Chair Kracov excused himself from the remainder of the meeting due to conflicting obligations. Vice Chair Landregan chaired the meeting in his absence.

16. Announcements of Future Meetings

March 9 was announced as the date of the next meeting, with Sacramento as the location.

17. Adjournment

The meeting was adjourned at 3:07 p.m.

APPROVED



Gideon Kracov, Chair



Jeffrey Schmidt, Executive Officer