



# STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

## *Mineral & Geologic Resources Committee*

*George Kenline, Chair; Jelisaveta Gavric, John Lane*

[www.conservation.ca.gov/smgb](http://www.conservation.ca.gov/smgb)  
[smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov)

Publication Date: January 31, 2014

## **CONFORMED MINUTES**

### **MINERAL & GEOLOGIC RESOURCES COMMITTEE OF THE STATE MINING AND GEOLOGY BOARD**

**Conducted a Meeting on:**

**Friday, February 21, 2014**

**9:00 A. M.**

**Assembly Hearing Room #444  
State Capitol  
Sacramento, California 95814**

## **AGENDA**

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or by facsimile at (916) 445-0738. This Notice and associated staff reports can be accessed electronically at the SMGB's Internet web site at: <http://www.consrv.ca.gov/smgb/> (note: Agenda reports should be available electronically approximately one week prior to the scheduled meeting/hearing date).

The SMGB requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the SMGB has the opportunity to fully preview written material, comments should be received in the SMGB office no later than 15 days prior to the scheduled meeting date, and must indicate the Agenda Item to which it relates. For written material in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 12 copies. The SMGB will not reproduce these types of documents. Comments on Agenda Items will be accepted by electronic mail, and are subject to the same conditions set forth for other written submissions.

Individuals are responsible for presenting their own projects at the meeting.

---

---

**[NOTE: Times are approximate. The chairman may alter the hearing start time or agenda item order during the meeting.]**

**I. Call to Order (Kenline)**

The meeting was called to order at 8:30 A.M.

**II. Roll Call and Declaration of a Quorum**

A Roll Call was called, with Chairman Kenline and Members Gavric and Lane present, and a quorum was declared.

**III. Consent Items [Action]**

[All the items appearing under this section will be acted upon by the committee by one motion and without discussion; however, any committee member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business.]

1. Approval of Minutes, September 12, 2013 Committee Meeting.

Committee Member Lane moved to approve the minutes. Committee Member Gavric seconded and the motion carried with a unanimous voice vote.

**IV. Continued Business [Action]**

[These business items have been continued from a previous meeting/hearing.]

2. Consideration of an Updated Model SMARA Ordinance.

Executive Officer Testa stated that SMARA requires that each city or county with a surface mining operation within its jurisdiction adopt a surface mining ordinance in accordance with State Policy that establishes procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations. SMARA provides for the SMGB to certify local agency mining ordinances as being in accordance with State Policy before they become effective pursuant to PRC Section 2774.3, and effective April 1, 2014, amended regulations will require mandatory notification of ordinances amended by lead agencies and recertification by the SMGB. A Model Ordinance was prepared and adopted by the SMGB on June 16, 1996, to assist lead agencies in developing and amending their local SMARA ordinance (PRC Section 2774). Such Model Ordinance has been updated to reflect legislative and regulatory changes to SMARA since 1996 for the Committee's discussion and consideration.

- Committee Chairman Kenline summarized the importance of mining ordinances in the lead agencies ability to administer SMARA. Executive Officer Testa indicated that although the reclamation element of SMARA has been updated, the Mineral Resource Protection section of the Model Ordinance was minimal and required addressing, and that once this element was prepared, a final version of the updated Model Ordinance would be brought back to the Committee.
- Committee Member Gavric concurred and directed the Executive Officer to prepare a final draft of an updated Model Ordinance and docket this matter for the committee once completed.
- Executive Officer Testa offered an invitation to stakeholders to offer comments.

3. Discussion of Mineral Resources Management Policies (MRMP).

Executive Officer Testa states that the State Geologist is required to classify mineral lands within the State according to a schedule and criteria developed by the SMGB pursuant to PRC Section 2761. This section also requires the SMGB to transmit to local governments information on mineral classified lands received from the State Geologist. Local governments are required to incorporate



this mineral information into their general plans within 12 months of receiving the information according to policies adopted by the SMGB pursuant to PRC Section 2762. These SMGB policies are contained in Title 14 CCR Sections 3675 and 3676. PRC Section 2762, also, requires local governments to submit their proposed mineral resource management plans to the SMGB for review and comment.

According to SMARA, all lead agencies containing classified or designated lands within their jurisdictions must prepare MRMP, not just those containing active or idle mines. These comprise the MRMP lead agencies. A number of ongoing review program issues involving legal opinions, record keeping, interdepartmental coordination, and improved review tools for staff use became apparent during preparation of SMGB Information Report 1007-03. A general status report on recommendations offered in *SMGB Information Report 2007-03* pertinent to MRMP are provided in the EO Report.

The Committee will eventually consider recommending that the SMGB adopt a Model MRMP. Although such action is premature at this time, it is recommended that the Model MRMP once deemed acceptable to the Committee is circulated for public comment to various stakeholders (i.e., California State Association of Counties, League of California Cities, California County Planning Directors Association, and California Construction and Industrial Materials Association, among others). The Committee may also wish to consider establishment of a working group comprised of stakeholders to develop a Model MRMP. Upon receipt of public comment, the Committee can then consider recommending to the whole SMGB adoption of the Model MRMP. In any case, four phases are deemed necessary to move this matter forward: 1) Compliance Checklist for Lead Agencies and SMGB, 2) Compliance Status Determination; 3) MRMP Database Compilation, and 4) Draft a Model MRMP.

- Committee Chairman Kenline summarized the importance of MRMP as lead agencies administer the mineral protection component of SMARA, and that MRMP requirements are not well known at the local government level.
- Committee Member Gavric inquired as to whether there was a definition of “market regions” which would be of value in consideration of SB 375 which pertains to restraints on greenhouse gas emissions. Executive Officer Testa noted that under SMARA the phrase “production-consumption regions” is noted in regulation and has been defined in certain publications, albeit the definition has changed over time.

Member Gavric also remarked on the low number of recognized MRMP, and the lack of adequate staff and resources available for the SMGB to fulfill its mandates and responsibilities. Executive Officer Testa stated that staff is currently scanning MRMP for all counties to be followed by cities with surface mining operations situated within their jurisdictions. MRMP will then be reviewed for adequacy as time permits, and addition to review of each lead agencies General Plan for compliance with State policy and the SMGB’s regulations and guidelines.

Committee Member Gavric inquired as to other agencies efforts to reach out to the public and stakeholders, which may prove useful.

- Committee Member Lane inquired as to the opportunity for assistance and support from the DOC. Executive Officer Testa stated that it was the responsibility of the SMGB to review MRMP and formally recognize MRMP for incorporation into General Plans as being in



accordance with State policy and the SMGB's policies and guidelines. Considering limited resources, student aids and other options are being considered.

- Executive Officer Testa summarized that it was important for the Committee to be aware of the importance in developing a Model MRMP, and some of the considerations involved in a promoting a more effective mineral conservation element under SMARA.

No action taken.

**V. New Business [Action]**

No new business was discussed.

**VI. Good of the Meeting [Information]**

[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 Committee should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman.]

No Good of the Meeting information was provided.

**VII. Continuing Business [Information]**

[This item is provided as an opportunity for any SMGB Committee member to receive information on any items of continuing interest to the SMGB.]

No continuing business was offered.

**VIII. New Business [Information]**

[This item is provided as an opportunity for any SMGB Committee member to bring any item of new business to the Committee's attention for further discussion and further action.]

No new business was offered.

**VII. Announcements of Future Meetings**

The next meeting of the Committee was tentatively scheduled for April 2014.

**VIII. Adjournment**

The meeting was adjourned at 9:30 A.M.

**APPROVED**

---

George Kenline, Chairman

---

Stephen M. Testa, Executive Officer

