



# STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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## **CONFORMED MINUTES**

### **THE STATE MINING AND GEOLOGY BOARD**

**Conducted a Regular Business Meeting on:**

**Thursday, March 13, 2014**

**10:00 A.M.**

**LOCATION:**

**320 West 4<sup>th</sup> Street  
Carmel Room  
Junipero Serra Building  
Los Angeles, CA 90013**

### **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 requires that all lengthy comments be submitted in writing in advance of the meeting date where this matter is to be decided. To ensure that the SMGB has the opportunity to fully preview written material, comments should be received in the SMGB office located at 801 K Street, Sacramento, CA, 95814, no later than 5:00 P.M., 15 calendar days prior to the scheduled meeting date, and must identify the Agenda Item to which it relates. For written materials in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 15 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.

New submittals received after 15 calendar days prior to the scheduled meeting date will be marked as late, and the SMGB will decide whether new submittals will be considered or not during the public

hearing. Late submittals, received by the SMGB at least 48 hours prior to the scheduled meeting, will be included in a late document submittal listing. Late submittals, received after 48 hours prior to the scheduled meeting, will not be included on the late document submittal list. The SMGB would accept a two-page written summary of testimony, or final comments based on, and limited to, review of the SMGB's packet and/or Executive Officer's report, at the time of the public hearing. Such two-page summaries would be included as part of the administrative record before the SMGB. This policy does not apply to quasijudicial proceedings (i.e., appeals, petitions, etc.) where administrative procedures for the submittal of documents are set forth in statute and regulation.

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

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

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

**II. Pledge of Allegiance**

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

The meeting was called to order at 10:15 A. M. by Chairman Gonzalez, with Members Gavric, Kenline, Lane and Noushkam present, and Member Barry absent, and a quorum was declared.

**IV. Director's Report (Nechodom, Department of Conservation) [Information]**

State Geologist, Dr. John Parrish, provided the following on behalf of the Director:

- The DOC will be scouting for a new Oil and Gas Supervisor. The search will be nationwide.
- The DOC is currently working on the 2014-2015 fiscal year budget plans and May Revise pertaining to the Governor's budget.

- State Geologist's Report (Parrish) [Information]

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

- Summarized what was known about the March 9, 2014, 6.8 magnitude earthquake. The epicenter was about 50 miles west of Eureka,
- Summarized unanticipated budget reductions with three positions being on hold, and delays in the publication of certain reports and upkeep of the website may be impacted.
- The status of the Earthquake Early Warning System (EWS) program to be implemented perhaps in 2016 was discussed.
- Will be participating in the American Association of State Geologists (AASG) meeting to be held in Washington, D.C., the week of March 17.
- Two preliminary Alquist-Priolo Earthquake Fault Zoning Maps were released for public comment on January 8, 2014: the Azusa Quadrangle and Hollywood Quadrangle. The Fault Evaluation Report for the Azusa Quadrangle was released on January 8, 2014; whereas, the Fault Evaluation Report for the Hollywood Quadrangle was released on February 15, 2014.

Member Noushkam, in regards to the Early Warning System, requested a synopsis be provided at the appropriate time, and for CGS to inform and work with the SMGB's Executive Officer.



- Office of Mine Reclamation Report (Parrish) [Information]

Acting Assistant Director of the Office of Mine Reclamation (OMR), Dr. John Parrish, reported on the following:

- The advertisement for a new chief of OMR has been released and interviews are anticipated to be held within the next two weeks. The title of the CEA-B level position will be State Mine Inspector. The position will be opened until filled.
- OMR currently has four unfilled positions, in part, due to budget issues. Reorganization, file upkeep and filling of vacant positions may be impacted.

**V. Chairman's Report (Gonzalez) [Information]**

No Chairman's report provided.

**VI. Executive Officer's Report (Testa) [Information]**

Executive Officer Testa reported on the following:

- A concerted effort is being made to complete the rulemaking for both the Palm Springs and San Bernardino Production-Consumption (P-C) Regions. The remaining 45-day public comment period ended on February 17, and the final rulemaking packet is due to the Office of Administrative Law by April 11.
- Public Notice Publications are still to be completed for the Santa Barbara-San Luis Obispo and Stockton-Lodi P-C Regions.
- Certain lead agencies were to forward a set of their latest round of inspection reports to the SMGB for review and comment. The only County that responded to this was Madera; whereas, six other Counties have not. The Executive Officer plans to contact these lead agencies and remind them of this commitment.
- Follow-up on complaints and previous request of the SMGB for the Lead Agency Review Team (LART) reports for the County of Siskiyou and Riverside, such reports have not been received to date.
- A significant amount of effort needs to be spent in reviewing MRMP and compiling a MRMP database.
- A summary of the Geohazards Committee Technical Advisory Committee on their review of certain elements of the Alquist-Priolo Earthquake Fault Zoning Act will be provided to the Geohazard Committee in March.

**VII. Ex-Parte Communication Disclosure [Information]**

[Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code Sections 663.1 and 663.2.]

- Member Gavric noted she was contacted by Mr. David Herbst in regards to the preliminary Alquist-Priolo Earthquake Fault Zones map for the Hollywood Quadrangle, and subsequently referred Mr. Herbst to the SMGB's Executive Officer.

**VIII. 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 SMGB 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.]



- Diane Serafin representing Citizens for a Safe Murrieta, provided non-compliance concerns pertaining to the Seismic Hazards Map for the city of Murrieta. A correspondence was provided. The Executive Officer was directed to follow-up, and report back to the SMGB.

**IX. Consent Items [Action]**

[All the items appearing under this section will be acted upon by the SMGB by one motion and without discussion; however, any Board 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, February 21, 2014 Regular Business Meeting.

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

**XI. New Business [Action]**

1. Acceptance of Recommendations for Designation, and Termination of Designation, of Mineral Lands in the North San Francisco Bay Production–Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California.

Executive Officer Testa stated that at its November 14, 2013 regular business meeting, the SMGB accepted California Geological Survey (CGS) Special Report 205, titled *“Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California.”* This report updated information previously presented in a classification report on Portland cement concrete-grade (PCC) aggregate in the North San Francisco Bay Production-Consumption (P-C) Region first published in 1987. Special Report 205 updated the classification portion of the two-step *Classification-Designation process* mandated by SMARA. The second part of that process, designation, is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance needed to meet the demands of the future. As reported in Special Report 205, the 115 million tons of currently permitted reserves of all construction aggregate grades are projected to last through the year 2023, 10 years from the present (2013). An additional 3,069 acres of land containing 853 million tons of construction-grade aggregate resources are identified in the North San Francisco Bay P-C Region. Since the designation of 7,579 acres containing 1,876 million tons of aggregate resources in 1987, about 3% has been lost to urbanization. The State Geologist has recommended designation, and termination of designation, of select mineral resource lands in the North San Francisco Bay P-C Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California. Upon acceptance of the State Geologist’s recommendations, the SMGB may consider directing the Executive Officer to schedule and hold a public hearing to receive public comments on the proposed action, before bringing this matter back to the SMGB for approval consideration.

Board Member Lane moved to accept the proposed designations and termination of designations. Board Member Kenline seconded and the motion carried with a unanimous voice vote.



2. Public Hearing: Public Hearing to Receive Comments on Preliminary Review Map of Proposed Earthquake Fault Zones of January 8, 2014, Hollywood Quadrangle, Los Angeles County.

[This public hearing notice is to provide an opportunity to present written technical comments that may have a bearing on the proposed zone map(s) to the SMGB/Committee during the 90-day public comment period which commenced on January 8 and ends on April 8, 2014.]

Executive Officer Testa stated that PRC Section 2621.5 notes that the intent of the A-P EFZ Act (Act) is to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to prohibit the location of developments and structures for human occupancy across the trace of active faults. Further, it is the intent of this chapter to provide the citizens of the state with increased safety and to minimize the loss of life during and immediately following earthquakes by facilitating seismic retrofitting to strengthen buildings, including historical buildings, against ground shaking. The Act is also applicable to any project, as defined in Section 2621.6, which is located within a delineated earthquake fault zone, upon issuance of the official earthquake fault zones maps to affected local jurisdictions, except as provided in Section 2621.7. The Act further notes that the implementation of this chapter shall be pursuant to policies and criteria established and adopted by the SMGB.

The Preliminary Review Map of Proposed Fault Zones was released by CGS on January 8, 2014, pursuant to PRC Section 2622. The accompanying Fault Evaluation Report (FER) was released by CGS on February 14, 2014. Several zones are being recommended for zoning as summarized on pages 3 - 5 of the Executive Officer's Report. Pursuant to PRC Sections 2622 (b) and (c) concerned jurisdictions and agencies shall submit all comments to the SMGB for review and consideration within 90 days. Within 45 days from the issuance of proposed new or revised preliminary earthquake fault zone map(s), cities and counties shall give notice of the SMGB's announcement of a 90-day public comment period to sellers of real property and their agents and property owners within the area of the proposed zone. Pursuant to CCR Section 3602, a notice by mail to those California Registered Geologists and California Registered Geophysicists on a list provided by the California Board for Professional Engineers, Land Surveyors, and Geologists, was provided. The SMGB is to receive public comments during the 90-day public comment period, and conduct at least one public hearing on the proposed zone map during the 90-day public comment period. Following the end of the 90-day public comment period, the SMGB shall forward its comments and recommendations with supporting data received to the State Geologist for consideration prior to the release of the official earthquake fault zone map.

- Jerry Treiman and Janice Hernandez, geologists with CGS, provided an overview of the preliminary map.
- John Bowman, legal counsel for Clarett West Development, discussed concerns, and since the FER was released after the preliminary map was released, requested that comment period be extended appropriately.
- Reinard Knur, geologist and engineer representing Clarett West Development, addressed technical issues.
- Executive Officer Testa noted that effectively, comments could be received up to May 15, 2014, with a public hearing scheduled for June 12, 2014, for the SMGB to review and consider all comments received, and adopt comments and recommendations to be forwarded to the State Geologist for review and consideration. The SMGB concurred.

## **XII. Special Reports and Department Presentations [Possible Action]**



[Based on these Reports, the Chair may instruct SMGB staff to initiate administrative actions.]

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

- Richmond (Chevron) Quarry (CA Mine ID #91-07-0006), City of Richmond.
- Lapis Sand Plant (CA Mine ID #91-27-0006), City of Marina.
- Western Aggregates (CA Mine ID #91-58-0001), County of Yuba.
- Cal Sierra Development (CA Mine ID #91-58-0003), County of Yuba.
- Sperbeck Quarry (CA Mine ID #91-58-0004), County of Yuba.
- Wheatland Pit (CA Mine ID #91-58-0007), County of Yuba.
- Parks Bar Quarry (CA Mine ID #91-58-0013), County of Yuba.
- Simpson Lane (CA Mine ID #91-58-0025), County of Yuba.

Board Member Kenline moved to accept inspection reports. Board Member Gavric seconded and the motion carried with a unanimous voice vote.

**XIII. SMGB Committee Reports [Information and Possible Action]**

- Geohazards Committee (Chairperson Lane)
  - Chairman Lane summarized the public hearing held on March 12, 2014, in the City of Azusa, to receive comments on the preliminary Alquist-Priolo Earthquake Fault Zones map for the Azusa Quadrangle.
  - Chairman Lane also noted discussion of the need for an Alquist-Priolo Earthquake Fault Zoning Act Model for affected lead agencies.
- Alquist-Priolo Technical Advisory Committee (Executive Officer Testa)
- Minerals and Geologic Resources Committee (Chairperson Kenline)
- Policy and Legislation Committee (Chairperson Kenline)
- Surface Mining and Standards Committee (Chairperson Barry)

**XIV. Continuing Business [Information]**

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

No continuing business was discussed.

**XV. New Business [Information]**

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

No new business discussed.

**XVI. Executive Session (Closed to the Public) [Possible Action]**

[The SMGB will discuss information from its legal counsel on pending litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.] Items to be discussed:

- i. Pending Litigation to which the SMGB is a party:
  - 1. Dutra Materials vs. SMGB, Chevron Products Company Real Party in Interest, Case No. N10-0388, Contra Costa Superior Court.
  - 2. A. Teichert and Sons, Inc. v. SMGB, Western Aggregates, LLC. Real Party in Interest, Case No. 34-2010-80000528, Sacramento County Superior Court.



3. William Calvert, Elfriede Calvert and the Yuba Goldfields Access Coalition v. SMGB, Western Aggregates, LLC. Real Party in Interest, Case No. 34-2010-80000530, Sacramento County Superior Court.
  4. Joe & Yvette Hardesty v. SMGB, & DOES 1-100 Inclusive, Case No. 34-2010-80000594, Sacramento County Superior Court.
  5. Discussion of Superior Court cases, A. Teichert & Son, Inc. v. California State Mining and Geology Board, no. 34-80000528 and Calvert, et al. v. California State Mining and Geology Board, no. 34-2010-80000530.
- ii. Possible Litigation involving the SMGB.
  - iii. Executive Officer Performance Evaluation.

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

Deputy Attorney General Rick Thalhammer announced that the SMGB met in Executive Session and took no action.

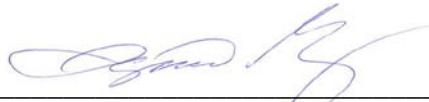
**XVII. Announcements of Future Meetings**

April 10, 2014 was announced as the date of the next meeting, with Sacramento as the location.

**XVIII. Adjournment**

The meeting was adjourned at 12:00 noon.

**APPROVED**



Ignacio Gonzalez, Chairman



Stephen M. Testa, Executive Officer

