



# STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

## *Mineral & Geologic Resources Committee*

*Brian Anderson, Chair; George Kenline; John Lane*

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## **CONFORMED MINUTES**

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

**Conducted a Meeting on:**

**Thursday, February 12, 2015**

**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.

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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 (Anderson)**

The meeting was called to order at 9:00 A.M.

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

A Roll Call was called, with Chairman Anderson and Member Kenline present and Member Lane absent, 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, February 21, 2014 Committee Meeting.

Committee Member Kenline moved to approve the minutes. Committee Chairman Anderson seconded and the motion carried.

**IV. Continued Business [Action]**

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

No continued business.

**V. New Business [Action]**

No new business was discussed.

2. Consideration of the County of Orange's Amended Sand, Gravel, and Mineral Extraction Code, as Being in Accordance with the Surface Mining and Reclamation Act (SMARA; Public Resources Code Section 2710 et seq.).

Executive Officer Testa noted that the County of Orange (County) has recently amended its Surface Mining and Reclamation Ordinance. The County's mining ordinance, Ordinance Nos. 3905 and 3906, was originally certified by the SMGB in 1994. At the County's request a preliminary review of the County's amendments was performed and comments offered by the SMGB's Executive Officer in correspondence dated August 2, 2014. Such comments had been addressed and this matter is before the Committee for additional comment and consideration prior to the County considering adoption of the amended ordinance. The Committee is considering recommending certification, or conditional certification, of the amended ordinance to the whole SMGB pending adoption by the County's Board of Supervisors.

- Committee Chairman Anderson noted the Appendix H and I contained superseded versions of the Interim Management Plan Form and Guidelines for Classification and Designation of Mineral Lands, respectively, and required updating.
- Adam Harper, representing the California Construction and Industrial Materials Association (CaCIMA) provided an updated comment letter dated February 11, 2015, and expressed no concern.

Committee Member Kenline moved to recommend to the whole SMGB certification of the County of Orange Amended Sand, Gravel, and Mineral Extraction Code Surface Mining Ordinance, as being in accordance with the requirements of State Policy, the Surface Mining and Reclamation Act and the SMGB's regulations, upon adoption by the County's Board of Supervisors. Committee Chairman Anderson seconded and the motion carried.



3. Consideration of the County of Siskiyou's Amended Surface Mining and Reclamation Ordinance No. 12-13, as Being in Accordance with the Surface Mining and Reclamation Act (SMARA; Public Resources Code Section 2710 et seq.).

Executive Officer Testa noted that the County of Siskiyou (County) has recently amended its Surface Mining and Reclamation Ordinance. The County's mining ordinance, Ordinance No. 99-07, was originally certified by the SMGB in 1999. At the County's request, a preliminary review of the County's amendments was performed and comments offered by the SMGB's Executive Officer in correspondence dated November 5, 2014. Such comments had been addressed and this matter is before the Committee for additional comment and consideration prior to the County considering adoption of the amended ordinance. The Committee is considering recommending certification, or conditional certification, of the amended ordinance to the whole SMGB pending adoption by the County's Board of Supervisors.

- Committee Chairman Anderson commented on Section 10-5.110 – Interim management plans and the need for clarification of the process and noted that an IMP may require changes to the reclamation plan or conditions of approval, and should be a straight-forward document outlining measures to maintain an idle mine operation while maintaining compliance with SMARA and the SMGB's regulations. There may also be site deficiencies or lack of IMP measures that require additional attention, but the IMP review process should not be managed like a CUP or revision to the reclamation plan. The draft revised ordinance is written possibly requiring conditions of approval that may become bureaucratically onerous, and summarized that the IMP shall provide measures the operator will implement to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions.
- Committee Member Kenline asked whether there had been any discussion about Section 10-5.106 – Vested Rights. EO Testa stated that the County is considering, as an option, whether to request the SMGB serve as a hearing officer on the Timberhitch vested rights matter.

Committee Member Kenline moved to recommend to the whole board conditional certification of the County of Siskiyou Amended Surface Mining and Reclamation Ordinance, No. 99-07, as being in accordance with the requirements of State Policy, the Surface Mining and Reclamation Act and the SMGB's regulations, upon adoption by the County's Board of Supervisors. Committee Chairman Anderson seconded and the motion carried.

#### **VI. Public Comment Period [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 public comment 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.]



Executive Officer Testa suggested that 1) a revised draft SMGB Model Ordinance with inclusion of a section pertaining to Mineral Resources Management Policies (MRMP), and 2) kick-off discussion of a Model MRMP, be brought back to the Committee in the near future for consideration.

**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 March 12, 2015.

**VIII. Adjournment**

The meeting was adjourned at 9:20 A.M.

**APPROVED**

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Brian Anderson, Chairman

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Stephen M. Testa, Executive Officer

