



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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NOTICE OF PUBLIC MEETING/HEARING

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, December 10, 2015

9:30 A.M.

LOCATION:

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/>.

I. Call to Order (Kracov)

II. Pledge of Allegiance

III. Roll Call and Declaration of a Quorum

The meeting was called to order at 9:35 A.M. by Chairman Kracov, with Members Lane and Mendez absent, and a quorum was declared.

IV. Review of the Agenda (Kracov)

V. Director's Report (Bunn, Department of Conservation) [Information]

Department of Conservation Director, David Bunn, reported on the following:

- The DOC offers whatever support is needed by the SMGB until a new Executive Officer is hired.

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

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

- Six final A-P maps were released on December 4.
- Seven new or revised preliminary A-P maps in El Dorado and San Bernardino Counties were released today for 90-day review. The San Bernardino maps are all revisions of old maps; the El Dorado County maps are new.
- CGS has completed a publication in concert with the State Parks Department called *Geo Gems*, which describes 55 state parks with geological uniqueness.

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

Assistant Director of OMR, Pat Perez, reported on the following:

- The upcoming Lead Agency Review workshops have been posted; the first is next Wednesday in Redding, followed by one in San Luis Obispo.
- They are looking into electronic filing of Annual Reports, and are proposing a pilot program to get the majority of operators to file electronically.

VI. Chairman's Report (Kracov) [Information]

- A Determination of Jurisdiction was issued for the designation appeal filed by the San Pedro Road Coalition regarding the San Rafael Rock Quarry; it was determined that the SMGB does not have jurisdiction to hear the appeal.
- A Determination of Jurisdiction was issued for the low gross exemption appeal filed by Rancho San Simeon Quarry; it was determined that the SMGB would hear the appeal. The appeal has since been withdrawn.

VII. Senior Engineering Geologist's Report (Arcand) [Information]

- We will begin working on scheduling public hearings for the A-P maps in El Dorado County and San Bernardino County.
- All 13 remaining inspections are scheduled for this month, and anticipate having them done by December 29.

VIII. Ex-Parte Communication Disclosure [Information]

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

No Ex-Parte discussions were disclosed.



IX. 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 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.]

No Public Comments.

X. 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 SMGB 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, October 8, 2015, Regular Business Meeting.

Member Potter moved to approve the minutes. Member Landregan seconded the motion and the motion carried with a roll call vote with Member Noushkam abstaining.

XI. Continued Business [Action]

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

2. Acceptance of State Mining and Geology Board's Information Report No. 11 titled "*Responsibilities of the Lead Agency under California's Surface Mining and Reclamation Act (SMARA).*"

Mr. Arcand noted that a draft version of this report was prepared for the October meeting, and deferred until this meeting. Comments, both editorial and conceptual, were received from OMR and incorporated into the current version of the report. He also noted that the report could use more work and recommended deferring action at this time.

- Vice Chair Anderson inquired about lead agencies' requirement to provide a form for Interim Management Plans and where it can be found in the Public Resources Code.
- Members Landregan and Noushkam were both in agreement with Mr. Arcand that the report could use a little more work with regards to formatting and making it more user friendly.

No action was taken.

XII. New Business [Action]

3. Consideration and Possible Action re: Site Closure, Atkinson Pit (CA Mine ID #91-19-0004), LA Brickyard LLC (Operator), Karen Shorr (Agent), City of Compton.

Mr. Arcand provided a brief presentation on the background of the site, as well as the reclamation and end use of a site in an urban area.

Vice Chair Anderson inquired about whether there were adequate records pertaining to the backfilling and compaction.

Member Kenline moved to accept the 2015 inspection report as complete, certify the site as reclaimed, and upon receipt of a revised financial assurance cost estimate in the amount of zero dollars with concurrence by OMR, release the current financial assurance. Member Noushkam seconded and the motion carried with a unanimous roll call vote.



4. Consideration and Possible Action re: Site Closure, Blue Point Mine (CA Mine ID #91-58-0021), Blue Point Partners (Operator), Brian Bisnett (Agent), County of Yuba.

Mr. Arcand provided a brief presentation of the site and reclamation efforts.

Vice Chair Anderson moved to accept the inspection report as complete, certify the site as reclaimed and release the financial assurance. Member Gavric seconded and the motion carried with a unanimous roll call vote.

5. Consideration and Possible Action re: the State Mining and Geology Board's 2014-2015 Annual Report.

Mr. Arcand stated that the report requires further editing and recommended that action be deferred.

No action taken.

6. Discussion and Possible Action re: Process and Creation of Special Screening Committee to Conduct Recruitment for Board Executive Officer.

Mr. Arcand provided an overview of the general recruitment process as well as additional steps being taken by the DOC to circulate the job bulletin to stakeholders and other interested parties.

- Member Landregan inquired as to why a geology license is not listed as a requirement in the bulletin and suggested that it should be. Vice Chair Anderson and Member Gavric were in agreement.
- Members Potter and Noushkam stated that the requirements as listed in the bulletin were adequate and would provide for enough flexibility when screening applicants.
- Adam Harper, representing CalCIMA, stated that the position did not necessarily require licensure.
- Chairman Kracov recommended a committee of four SMGB members to comprise the Special Screening Committee. His recommendations are Vice Chair Anderson, Member Potter, Member Kenline, and himself.

Chairman Kracov moved to create a Special Screening Committee to include Member Potter as Chair, Member Kracov as Vice Chair, and Members Anderson and Kenline, and that the SMGB delegate to Chair Potter and Vice Chair Kracov the ability to work with Mr. Arcand, DOC staff, and board counsel to do an initial screening of candidates and prepare an initial process for interviewing, which interviews will be compliant with the Bagley-Keene rules. Chairman Kracov further moved that the SMGB agendize a meeting for the subcommittee on January 14. Member Landregan seconded the motion. The motion was then amended to include a later date after January 14. Member Landregan seconded the amended motion and approved the amendment. The motion carried with a unanimous roll call vote.

Member Landregan put forward another motion to amend the job description and post it as revised with the additional qualification that the applicant be a California Registered Geologist or Engineering Geologist, as desirable; Member Noushkam seconded. Vice Chair Anderson amended the motion language to California Licensed Geologist or Licensed Civil Engineer and/or California Certified Hydrogeologist is desirable; Member Gavric seconded. Member Gavric further amended the motion to include Licensed Geotechnical Engineer; Vice Chair Anderson seconded the amended motion. The motion failed with Member Landregan and Vice Chair Anderson voting in favor, and Members Gavric, Kenline, Noushkam, Potter and Kracov voting against.

7. Commencement of a 90-Day Comment Period for Preliminary Fault Zone Maps Pursuant to the Alquist-Priolo Fault Zoning Act: Emerald Bay (new), Echo Lake (new), Apple



Valley North (revised), Fairview Valley (revised), Fifteenmile Valley (revised), Cougar Buttes (revised), Lucerne Valley (revised).

Mr. Arcand provided a brief summary of the SMGB's responsibilities pertaining to the release of the maps. A hearing will be held in each of the jurisdictions within the 90-day period to receive public comments.

- Member Gavric volunteered to assist with the public hearings in both locations.

No action taken.

8. Consideration and Possible Action re: 2016 State Mining and Geology Board Meeting Schedule.

Mr. Arcand summarized the procedures and policies pertaining to approval of the meeting schedule.

- Chairman Kracov moved to approve the meeting schedule with the following amendments: that the January 14 meeting be changed to January 22, and the February 11 meeting be changed to February 18. Member Gavric seconded and the motion carried with a unanimous roll call vote.

XIII. SMGB Committee Reports [Information and Action]

- Geohazards Committee (Chairperson Gavric)
- Minerals Conservation and Reclamation Committee (Chairperson Kenline)
- Board Policy and Administration Committee (Chairperson Mendez)
- Board Lead Agency Standards Committee (Chairperson Noushkam)

XIV. 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.]

No new business was discussed.

XV. Executive Session (Closed to the Public) [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:

Pending Litigation to which the SMGB, or its officials, are 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. 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.



6. Daniel Tankersley v. Will Arcand, et al., Case No. 2:15-CV-01278-TLN-CMK.
7. In addition, the SMGB may consider litigation matters which fall under Government Code Sections 11126(e)(2)(B) and 11126(e)(2)(C).

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

Deputy Attorney General Chris Tiedemann announced that the SMGB met in Executive Session and action was taken.

XVI. Announcements of Future Meetings

January 22 was announced as the date of the next scheduled meeting, with Sacramento as the location.

XVII. Adjournment

The meeting adjourned at 3:15 p.m.

APPROVED

Gideon Kracov, Chairman

Will J. Arcand, Senior Engineering Geologist

