



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:

Thursday, August 11, 2016

9:30 A.M.

LOCATION:

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

For questions 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/>.



AGENDA

1. Call to Order (Kracov)

2. Pledge of Allegiance

3. Roll Call and Declaration of a Quorum

The meeting was called to order at 9:34 a.m. with Members Noushkam and Zafir absent, and a quorum was declared.

4. Review of the Agenda (Kracov)

5. Department Reports

- Director's Report (Bunn)

Jason Marshall, Deputy Director, reported on the following:

- Director Bunn is out of state and sends his regards.
- He thanked the Board for taking the lead on the new regulations and acknowledged the need for additional staffing.

Vice Chair Potter asked whether the limited term position could possibly become permanent, and if so, would we have to go through the recruitment process again; Mr. Marshall stated that yes, it could become permanent, and no the recruitment process would not be necessary. They will work on getting additional position authority for the Board for 2017.

- State Geologist's Report (Parrish)

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

- The panel has been selected for the AP guidelines rework.
- CGS has hired four new staff and have four more coming, bringing the total number of staff to 120.
- They will be moving out of the Menlo Park office; a new location has not yet been determined, but the NASA Ames Research Center at Moffett Field is a possibility.
- During the last fiscal year, CGS completed the following: 446 school sites, 31 hospitals, and 312 timber harvest plans were reviewed; 16 geology maps were released, and Strong Motion Instrumentation Sensors were installed in nine structures.

Chair Kracov asked how often the Aggregate Supply maps are released; Dr. Parrish stated they are released every 5 years and the next release is scheduled for February or March 2017. He also stated that the next round of draft A-P maps are targeted to be released in October or November, for the Raymond Quadrangle, a possible re-release of the Hollywood Quadrangle, and the Santa Monica Quadrangle. There are also 1-2 Seismic Hazard liquefaction maps for Santa Clara County to be released. Chair Kracov also asked how many designation reports were outstanding, and Dr. Parrish stated that there are six, however, one is very old and the region is due to be reclassified so there is not much point in the designation report. Chair Kracov asked whether the Earthquake Early Warning System money has been appropriated; Dr. Parrish stated that the funds for the buildout have been finalized, however, the funds for operating expenses, \$11 million per year, have not.

- Office of Mine Reclamation Report (Perez)

Pat Perez, Assistant Director, reported on the following:

- To date, OMR has received 1,122 annual reports, and has collected \$3.9 million in fees; this is an increase of 11% over last year.
- OMR has six positions in the process of being filled: one Office Assistant, one Associate Environmental Planner, one Environmental Scientist, two SSAs, and one AGPA.
- They have been working with CalCIMA on a webinar to discuss the upcoming changes to SMARA; the webinar is scheduled for September 23.
- He will be on vacation in September and will miss the scheduled meeting.

6. Chairman's Report (Kracov)

- He, along with Member Kenline, have been participating in regular weekly meetings regarding the new regulations and upcoming rulemakings.

7. Executive Officer's Report (Schmidt)

A. Activities and Actions

- Ian Stevenson is on loan to the Board from OMR for 90 days to assist with the new regulations until the AGPA position is filled.
- There will be a new agenda item each month, the Senior Engineering Geologist's Report.
- Accompanied Mr. Arcand on an inspection at the Timm Mine; they are looking for resolution on the administrative issues with the operator.

B. Budget Report

- A Budget Change Proposal (BCP) has been submitted for fiscal year 17-18 for \$200,000 to help cover the Board's legal costs.

Chair Kracov suggested the EO Information Report be organized around the four goals in the Strategic Plan; Member Landregan agreed that it should be aligned with the Strategic Plan and its objectives. Vice Chair Potter suggested that the Priority Objectives be listed as ongoing and completed.

8. Senior Engineering Geologist's Report (Arcand)

Will Arcand, Senior Engineering Geologist, reported on the following:

- He is focused back towards Lead Agency duties; all 2015 inspections and the invoicing for inspections have been completed.
- 2016 inspections are underway, beginning with Big Cut Mine. There are 38 mine inspections in our jurisdiction, down from 40 last year.
- Impacts to SMGB Lead Agency Responsibilities Resulting from SMARA Reform.

Mr. Arcand gave a presentation detailing the impacts the SMARA Reform legislation will have on the SMGB as a Lead Agency.

9. Ex-Parte Communication Disclosure

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 disclosures.

10. Public Comment Period

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.

11. 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 Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business.

A. Approval of Minutes, June 9, 2016 Regular Business Meeting.

Member Landregan moved to approve the minutes. Member Kenline seconded and the motion carried with a unanimous roll call vote.

Item 11 B. was removed from consent at the request of Member Landregan.

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

2016 Inspection:

- Big Cut Mine (CA Mine ID No. 91-09-00XX), County of El Dorado

Mr. Arcand stated that this inspection report is not intended as a path forward; the inspection is to ensure that no additional mining is occurring on the site and the owners are abiding by the injunction.

Vice Chair Potter moved to approve the inspection report. Member Landregan seconded and the motion carried with a unanimous roll call vote.

13. New Business

A. Review and Establishment of the State Mining and Geology Board's Standing Committees.

Chair Kracov stated that the four Standing Committees are tied to the Strategic Plan goals and objectives. He recommended sending the Strategic Plan to the Policy and Administration Committee for review and update. Member Kenline suggested having the EO meet with the committee members to flesh out the scope of each committee.

No action was taken at this time.

14. Special Reports and Presentations

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

A. Lead Agency Review and Assistance (LARA) Information Update.

Pat Perez and Brett Koehler, Senior Engineering Geologist, OMR, provided a presentation on the Lead Agency Review and Assistance (LARA) program, noting the progress to date, the formula used to establish the review order, and the next steps. They reviewed over 1,500 mine file records for the 2015 reporting year, identified missing documents for each Lead Agency, and Lead Agencies will have 30 days to respond to missing documents.

Information only, no action taken.

B. SMGB Rulemaking Related to SMARA Reform.
Will Arcand and Ian Stevenson gave a brief presentation of the upcoming rulemaking packages resulting from the SMARA reform legislation.

Information only, no action taken.

14. SMGB Committee Reports

- Geohazards Committee (Chair Potter)
- Minerals Conservation and Reclamation Committee (Chair Kenline)
- Board Policy and Administration Committee (Chair Landregan)
- Board Lead Agency Standards Committee (Chair Lane)

No committee reports.

15. New Business

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.

16. 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.

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

No Executive Session was held.

17. Announcements of Future Meetings

September 8 was announced as the date of the next meeting, with Sacramento as the location.

18. Adjournment

The meeting was adjourned at 4:01 p.m.

APPROVED

Gideon Kracov, Chair

Jeffrey Schmidt, Executive Officer