



Publication Date: Friday, June 2, 2023

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

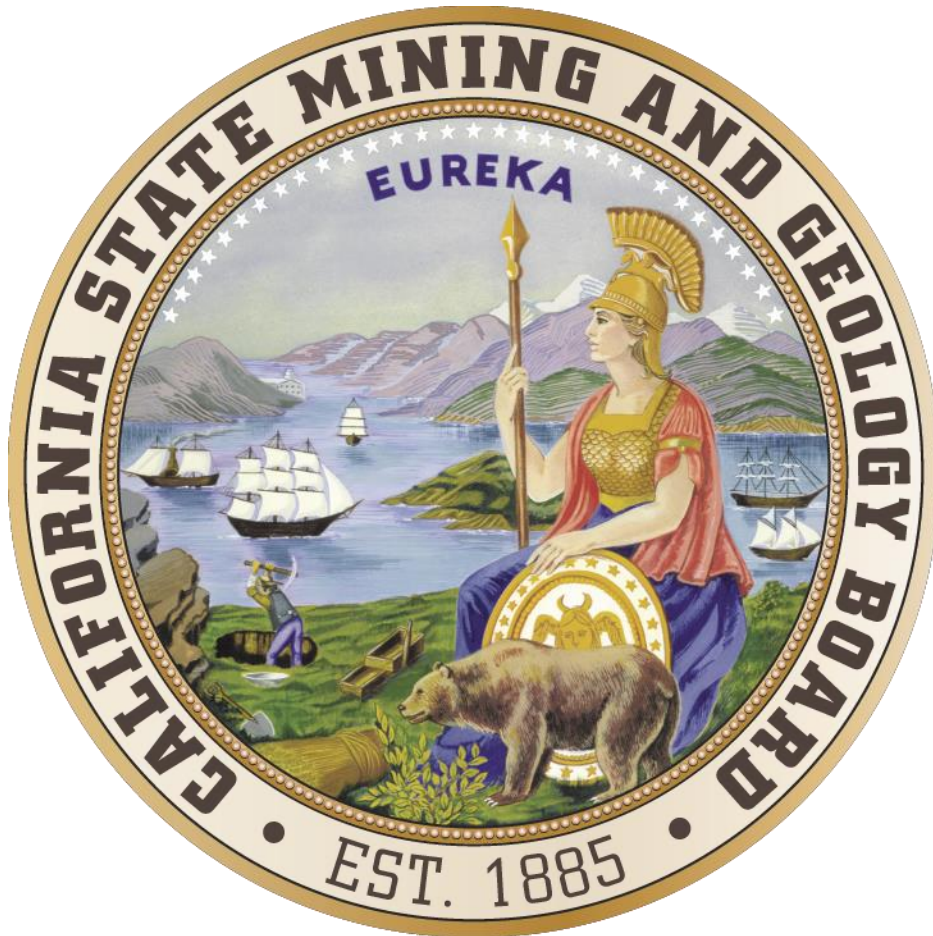
Will Conduct a Regular Business Meeting on:

Thursday, June 15, 2023, at 10:00 a.m.

This meeting will be held via video conference and will be recorded.

To avoid any background noises while the meeting is in session, we ask that you mute your device. To join the meeting, please download the latest version of MS Teams by visiting their website at <https://aka.ms/getteams> or install the MS Teams app on your phone. After installing MS Teams on your device click on the [Microsoft Teams Meeting](#) link to join the **meeting (Meeting ID: 258 132 796 600 and Passcode: NCxRwf)**. You may also join us by phone by dialing (916) 318-8892 and entering the Phone Conference ID Number: **717 017 827#**.

For questions or comments regarding this Agenda, please contact the Board by email at smgb@conservation.ca.gov. This Notice, the agenda, and all associated staff reports can be accessed at the SMGB's website at: <https://www.conservation.ca.gov/smgb>.



PUBLIC MEETING AGENDA

1. **Call to Order (Sheingold)**
2. **Pledge of Allegiance**
3. **Roll Call and Declaration of a Quorum**
4. **Review of the Agenda (Sheingold)**
5. **Department Reports**
 - Department of Conservation Report (Tiffany)
 - Division of Mine Reclamation Report (Campbell)
 - California Geological Survey Report (TBD)
6. **Chair Reports (Sheingold)**
7. **Executive Officer Report (Schmidt)**
8. **Geologist Report (Fry, Jones)**
9. **Board Committee Reports**
 - Policy and Administration (Chair Landregan)
 - Geohazards (Chair Zafir)
 - Mineral Conservation (Chair Anderson)
 - SMARA Compliance (Chair Kenline)
10. **Ex-Parte Communication Disclosure**

Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code (PRC) Sections 663.1 and 663.2.
11. **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. Speaker testimony is limited to three minutes except by special consent of the Chair.
12. **Consent Items**

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the Consent Calendar and consider it separately.

 - A. Consideration and Approval of Minutes for the Regular Business Meeting held on:

April 20, 2023
13. **Regular Business Items**
 - A. Consideration and Approval of the Board's draft Mining Ordinance Guidance Document.

14. Presentations, Reports, and Informational Items

San Emidio Solar Project – Scott Clouse, Director of Energy and Raw Materials, Vulcan Materials Company

Ferndale California Earthquake – Hamid Haddadi, Supervising Engineering Geologist, CGS

15. Executive Session (Closed to the Public)

The Board will discuss information from its legal counsel on potential litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.

16. Announcements and Future Meetings

17. Adjournment

THE STATE MINING AND GEOLOGY BOARD

THE BOARD

The State Mining and Geology Board (Board) serves as a regulatory, policy, and appeals body representing the State's interests in the reclamation of mined lands, geology, geologic and seismologic hazards, and the conservation of mineral resources.

The Board was established in 1885 as the Board of Trustees to oversee the activities of the State Mineralogist and the California Division of Mines and Geology (now the California Geological Survey). It is second oldest Board in California. Today's Board has nine members appointed by the Governor and confirmed by the State Senate, for four-year terms. By statute, Board members must have specific professional backgrounds in geology, mining engineering, environmental protection, groundwater hydrology and rock chemistry, urban planning, landscape architecture, mineral resource conservation, and seismology, with one member representing the general public.

Mission Statement

The mission of the Board is to provide professional expertise and guidance, and to represent the State's interest in the development, utilization, and conservation of mineral resources, the reclamation of mined lands and the development and dissemination of geologic and seismic hazard information to protect the health and welfare of the people of California.

STATUTORY AND REGULATORY AUTHORITY

The Board is an independent entity within the Department of Conservation under the Natural Resources Agency and is granted responsibilities and obligations under the following acts:

Surface Mining and Reclamation Act of 1975

Under this Act, Public Resources Code Sections 2710 et seq. and its regulations at 14 California Code of Regulations Section 3500 et seq., the Board provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. SMARA also encourages the production, conservation, and protection of the State's mineral resources.

Alquist-Priolo Earthquake Fault Zoning Act

Under this Act, Public Resources Code Section 2621 through Section 2630, and its regulations at 14 California Code Regulations Section 3600 et seq., the Board is authorized to represent the State's interests in establishing guidelines and standards for geological and geophysical investigations and reports produced by the California Geological Survey, public sector agencies, and private practitioners. The Board is also authorized to develop specific criteria through regulations to be used by Lead Agencies in complying with the provisions of the Act to protect the health, safety, and welfare of the public.

Seismic Hazards Mapping Act

Under this Act, Public Resources Code Section 2690 through Section 2699.6 and its regulations at 14 California Code of Regulations Section 3720 et seq. the Board is authorized to provide policy and guidance through regulations for a statewide seismic hazard mapping and technical advisory program to assist cities, counties, and State agencies in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction or other ground failure, landslides and other seismic hazards caused by earthquakes, including tsunami and seiche threats.

GENERAL PROCEDURAL INFORMATION ABOUT BOARD MEETINGS

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State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814



Agenda Item No. 12A

June 15th, 2023

Consideration and Approval of Minutes for the April 20th, 2023 Regular Business Meeting

INTRODUCTION:

Approve the Conformed Minutes for the State Mining and Geology Board's April 20th, 2023 Regular Business Meeting.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board approve the Conformed Minutes for the April 20th, Regular Business Meeting.

Respectfully submitted:

A handwritten signature in blue ink, consisting of a large, stylized 'J' and 'S' that loops together.

Jeffrey Schmidt,
Executive Officer



***** DRAFT *****

CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, April 20th, 2023, at 10:00 a.m.

This meeting will be held via video conference and will be recorded.

To avoid any background noises while the meeting is in session, we ask that you mute your device. To join the meeting, please download the latest version of MS Teams by visiting their website at <https://aka.ms/getteams> or install the MS Teams app on your phone. After installing MS Teams on your device click on the [Microsoft Teams Meeting](#) link to join the meeting (**Meeting ID: 284 909 438 941 and Passcode: kGP6ih**). You may also join us by phone by dialing (916) 318-8892 and entering the Phone Conference ID Number: **472 676 695#**.

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PUBLIC MEETING AGENDA

1. **Call to Order (Sheingold)**
Meeting was called to order at 10:00 a.m. by Chair Sheingold.
2. **Pledge of Allegiance**
3. **Roll Call and Declaration of a Quorum**
Roll was called with Member Kappmeyer, Kenline, Landregan, Los Huertos, Vice Chair Anderson, and Chair Sheingold present and a quorum was declared.
4. **Review of the Agenda (Sheingold)**
Chair Sheingold made his general announcements and mentioned that agenda item 14A is the first presentation for the CalcIMA Speaker Series.
5. **Department Reports**
 - Department of Conservation Report (Tiffany)
Jeff Newton reported that the department has been selected to be a part of a statewide pilot program that is being overseen by GovOps, the program is called Objectives and Key Results (OKR).
 - Division of Mine Reclamation Report (Campbell)
Cameron Campbell mentioned that DMR merged their Environmental Science and Engineering Geology units into one and created the SMARA Technical Team Unit. Cameron also mentioned that DMR is planning to have an Inspection Workshop in San Diego County in August and one in Sacramento in late October or early November, they hope to have dates posted on their website in May.
 - California Geological Survey Report (TBD)
Jeff Newton reported that Hamid Haddadi is attending an annual meeting this week but will give an update on the Ferndale Earthquake at the next scheduled meeting. Jeff also provided a brief update on the Instrumentation Upgrade, Storm Response, and release of the Seismic Hazard Preliminary Zone Maps.
6. **Chair Report (Sheingold)**
Chair Sheingold reported that he continues to meet with board staff on a regular basis.
7. **Executive Officer Report (Schmidt)**
Executive Officer, Jeffrey Schmidt reported the following:
 - CGS and board staff continue to work on updating the Mineral Classifications and Designation Guidelines and will meet twice a month until the project is completed.
 - The Model Ordinance Guidance document is near completion and will be brought before the board for consideration and approval at the next meeting.
 - Mallory Jones and I completed our Drone Certification class and will be taking the FAA test to become licensed operators.
 - Announced that Jocelyn Fernandez accepted a promotion with State Parks and will be leaving the Board. Jeffrey, Paul, board members, and DOC staff thanked and congratulated Jocelyn for her promotion and all her work.

8. Geologist Report (Fry, Jones)

Paul Fry reported the following for Mallory and himself:

- Finalizing Inspection Reports and reviewing FACES, they are about 85% complete.
- Worked on the Fee Schedule with DOC and DMR staff.
- Continue to work with CGS to update the mineral classifications and designation guidelines.
- Completed DOC mandated safety training.

9. Board Committee Reports

- Policy and Administration (Chair Landregan)
Chair Landregan had nothing to report.
- Geohazards (Chair Zafir)
Vice Chair Los Huertos had nothing to report but mentioned that Geohazards is planning a meeting in May or June.
- Mineral Conservation (Chair Anderson)
Chair Anderson had nothing to report.
- SMARA Compliance (Chair Kenline)
Chair Kenline had nothing to report.

10. Ex-Parte Communication Disclosure

There were no Ex-Parte disclosures.

11. Public Comment Period

There were no public comments.

12. Consent Items

All the items appearing under this section will be acted upon by the Board by one motion and without discussion; however, any Board member wishing to discuss any item may request the Chair to remove the item from the Consent Calendar and consider it separately.

- A. Consideration and Approval of Minutes for the Regular Business Meeting held on:
- ❖ Vice Chair Anderson abstained from voting on the approval of the March minutes.
Member Los Huertos motioned, and Member Kappmeyer seconded the approval of the March 23, 2023, minutes. Motion passed with a unanimous roll call vote.

13. Regular Business Items

- A. Consideration and adoption of the 2022 Annual Mine Fee Schedule pursuant to PRC section 2207.
- Paul Fry and Clayton Haas presented a brief presentation on the 2022 Annual Mine Fee Schedule and answered questions.
 - ❖ Member Los Huertos motioned, and Member Landregan seconded the adoption of the 2022 Annual Mine Fee Schedule. Motion passed with a unanimous roll call vote.
- B. Consideration and approval of the Garnet Pit's (Mine ID# 91-33-0031) amended reclamation plan.
- Paul Fry provided a presentation on Garnet Pit's amended reclamation plan.

- ❖ Member Anderson motioned, and Member Kenline seconded the approval of Garnet Pit's amended reclamation plan. Motion passed with a unanimous roll call vote.
- C. Consideration and approval of the Board's draft language for proposed regulations pursuant to PRC 2714 (f).
- Paul Fry presented the draft language for 2714 (f) with the changes requested at the March board meeting.
 - ❖ Member Kenline motioned, and Member Kappmeyer seconded the approval of the proposed regulatory language for PRC 2714 (f). Motion passed with a unanimous roll call vote.

14. Presentations, Reports, and Informational Items

- A. Gem Hill Quarry Project (Pozzolan) - Desirea Haggard, P.E., Director of Environmental Affairs, Cement Division, CalPortland
- Desirea Haggard, CalPortland's Director of Environmental Affairs provided a PowerPoint presentation on Gem Hill Quarry Project (Pozzolan).

15. Executive Session (Closed to the Public)

There was no Executive Session.

16. Announcements and Future Meetings

Executive Officer, Jeffrey Schmidt announced that a Regular Business and Geohazards Committee meeting would be held on May 18th. Member Kappmeyer, Landregan, and Vice Chair Anderson announced that they would be unavailable to meet in May, so no meeting will be held in May.

17. Adjournment

- ❖ Vice Chair Anderson motioned, and Member Landregan seconded adjournment. Chair Sheingold called a unanimous roll call vote and meeting was adjourned at 12:28 p.m.

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**State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814**



Agenda Item No. 13A

June 15, 2023

Consideration and Approval of the Board's draft Mining Ordinance Guidance Document

STATUTORY AND REGULATORY AUTHORITY:

Pursuant to the Surface Mining and Reclamation Act of 1975, (SMARA), Public Resources Code (PRC) Division 2, Chapter 9, Sections 2710 Et seq., every City and County lead agency (lead agency) is required to adopt mining ordinances in accordance with state policy. SMARA ordinances establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of permits to conduct surface mining operations. However, any lead agency without a surface mining operation in its jurisdiction may defer adopting and implementing mining ordinances until a permit application for mining within the jurisdiction is filed. Local mining ordinances must be periodically reviewed and revised as necessary to ensure that they continue to be in accordance with SMARA and its implementing regulations found at California Code of Regulations, title 14, Division 2, Chapter 8, Subchapter 1, beginning at Section 3500.

A SMARA lead agency is defined as the entity "which has the principal responsibility for approving a reclamation plan" pursuant to PRC Section 2728. Lead agencies have the "primary responsibility for enforcing" SMARA, as well as the annual reporting requirements under PRC Section 2207.

BACKGROUND:

The State Mining and Geology Board (Board) has historically published suggested model ordinance language to assist lead agencies as they prepare their mining ordinances. The Board last updated the model ordinance in 2015. Significant changes were made to SMARA in 2016 because of AB 1142 and SB 209. Accordingly, the Board directed staff in late 2021 to update the model ordinance guidance.

Over the last 18 months, Board staff collaborated with the Department of Conservation to update the guidance document. The draft Model Ordinance Guidance Document (guidance document) includes both recommended guidance and model language that local agencies can utilize in developing their own mining ordinances. The guidance document contains elements SMARA requires to be included in mining ordinances, as well as some additional elements common to ordinances in use statewide. Beyond what SMARA and its implementing regulations require, the use of the guidance document is not required, and any suggested additional language or format is not mandated by law.

DISCUSSION AND NEXT STEPS:

Board staff seek approval from Board on the content of the draft Mining Ordinance Guidance Document as presented today. A copy of the draft Mining Ordinance Guidance Document can be viewed here: <https://doc.box.com/s/bbahlr3y7mpekugzoazfacc07b6xu25>

Board staff propose holding a virtual public workshop in August to solicit comments on the draft guidance document from interested parties, including but not limited to SMARA lead agency staff, mining operators, and members of the public. Board staff would consider comments received and then finalize the Mining Ordinance Guidance Document.

The finalized Mining Ordinance Guidance Document would be presented to the Board in September for adoption.

EXECUTIVE OFFICER RECOMMENDATION:

Approve the draft Mining Ordinance Guidance Document and the proposed timeline.

SUGGESTED MOTION:

Board Chair, considering the information before the Board today, I move that the Board approve the Draft Mining Ordinance Guidance Document as discussed today, and direct Board staff to proceed with a public workshop.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

Attachments:

- 1 – Draft Mining Ordinance Guidance Document
(<https://doc.box.com/s/bbahlrx3y7mpekugzoazfacc07b6xu25>)