Publication Date: Friday, November 6th, 2026

OFFICIAL NOTICE OF PUBLIC MEETING

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, November 19th, 2026, at 11:00 a.m.

California Natural Resources Headquarters
715 P Street, Second Floor RM 2-201
Sacramento, California 95814

This meeting will be held in-person and 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: 271 705 536 064 333** and **Passcode: Zr93Qg3t.** You may also join us by phone by dialing (916) 318-8892 and entering the **Phone Conference ID: 778 839 360#**

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.


CALIFORNIA STATE MINING AND GEOLOGY BOARD
EUREKA
EST. 1885

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**
   A. Department of Conservation Report (Tiffany)
   B. Division of Mine Reclamation Report (Stevenson)
   C. California Geological Survey Report (Lancaster)

6. **Chair Report (Sheingold)**

7. **Executive Officer Report (Schmidt)**

8. **Geologist Report (Fry, Jones)**

9. **Ex-Parte Communication Disclosure**
   Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code Sections 663.1 and 663.2.

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. Speaker testimony is limited to three minutes except by special consent of the Chair.

11. **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:
    September 17th, 2026

12. **Regular Business Items**
    A. Consideration and approval of the updated rulemaking package describing the Board's administrative procedures for determining an exemption from the Surface Mining and Reclamation Act of 1975 pursuant to Public Resource Code Section 2714(f)
    B. Election of the Board's Vice-Chair
    C. Consideration and Approval of the 2025-2026 Annual Report
    D. Consideration and Approval of the 2027 SMGB Meeting Schedule

13. **Presentations, Reports, and Informational Items**

14. **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.

15. Announcements and Future Meetings

16. 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 Sate 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.

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4) Call a closed session by the Chair to discuss litigation and other matters
5) Make all testimony, files, and documents part of the administrative record

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

Following the Board meetings, links to presentations and meeting recordings will be available upon request: smgb@conservation.ca.gov

Agenda Item No. 11A

November 19th, 2026

Consideration and Approval of Minutes for the September 17, 2026, Regular Business Meeting

INTRODUCTION:
Approve the Conformed Minutes for the State Mining and Geology Board's September 17, 2026, 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 September 17th, Regular Business Meeting.

Respectfully submitted:

Jeffrey Schmidt,
Executive Officer

Publication Date: Friday, September 4th, 2026

DRAFT
CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, September 17th, 2026, at 11:00 a.m.

California Natural Resources Headquarters
715 P Street, First Floor Auditorium RM 1-302
Sacramento, California 95814

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CALIFORNIA STATE MINING AND GEOLOGY BOARD
EUREKA
EST. 1885

PUBLIC MEETING AGENDA

1. Call to Order (Sheingold)
The meeting was called to order by Chair Sheingold at 11:03 A.M.

2. Pledge of Allegiance
Senior Geologist Paul Fry led the Pledge of Allegiance.

3. Roll Call and Declaration of a Quorum
Regulatory Analyst Natalie Decio called roll with Members Driscoll, Jung, Whyte, Zafir, Vice Chair Kenline, and Chair Sheingold present, and a Quorum was declared. Members Holst, Landregan, and Los Huertos were not in attendance.

4. Review of the Agenda (Sheingold)
Chair Sheingold reviewed the agenda and shared his regular announcements. Additionally, Chair Sheingold welcomed former Regulatory Specialist and Policy Analyst Matthew Livers and expressed appreciation for his past work on rules and regulations. He noted that the Executive Officer was not in attendance and that the Board would proceed accordingly. He also informed the Board that he would provide an update on the Inter-Agency Mining Working Group during the Chair's Report and would invite Member Driscoll to share his participation and observations.

5. Department Reports

A. Department of Conservation Report (Tiffany)

Chief Deputy Director Gabe Tiffany reported on the Inter-Agency Mining Working Group, noting that the collaboration has broadened policy discussions around critical minerals and the state's energy transition by bringing together multiple agencies and technical experts. He stated that the group held its fourth monthly meeting on August 27, where Sheldon Mudd outlined Nevada's mining permitting process, and representatives from Lawrence Berkeley National Laboratory discussed technological and industry barriers to advancing critical mineral development in California.

Tiffany also reported that the Department of Conservation (DOC) recently held its first internal DOC Science Conference, featuring presentations on subsurface modeling, carbon sequestration, and seismic hazard communication. He thanked Board staff Geologist Mallory Jones for presenting on the Board's mining ordinance update project and providing helpful background on the Board's role to DOC staff.

B. Division of Mine Reclamation Report (Stevenson)

Acting Supervisor Ian Stevenson reported that staff are addressing six outstanding administrative penalties from the 2024 reporting year. For 2025, the Division of Mine Reclamation (DMR) received 1,044 annual reports, including 694 filed online and 307 submitted by mail, and identified 43 non-filers for whom notices will be issued this week.

Stevenson noted that development of a new database system continues. A contract has been awarded to Merck Systems and project initiation is underway, supported by an additional contractor coordinating with California Department of Technology (CDT). Full implementation is anticipated by fall 2027. He also reported that Kyle Johnson, Supervisor of the Abandoned Mine Lands Unit, will attend the National Association of Abandoned Mine Land Programs annual conference.

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At the end of his report, Chair Sheingold asked Stevenson to clarify the term "non-filers." Stevenson explained that non-filers include operators who did not submit required annual reports, associated fees, or both.

C. California Geological Survey Report (Lancaster)

State Geologist Jeremy Lancaster reported that CGS is finalizing its Earth MRI geochemical reconnaissance and mapping work in the Barstow area and will publish the Daggett quadrangle geologic map by month's end. He noted that Earth MRI federal funding will drop from about $77 million to $13 million annually, but Senate Bill 2870 may restore funding and broaden eligible subsurface resource activities, including geothermal and geologic hydrogen.

Lancaster provided an update on geothermal work supported by a DOE grant through the WestGen consortium, which is compiling subsurface geothermal data and developing a public platform to help identify opportunities and reduce exploration risk. He also established a geothermal collaborative with federal and industry partners to guide data and regional priorities.

In response to Member Zafir's questions, Lancaster reported that approximately 75 percent of planned Strong Motion Instrumentation Program station upgrades have been completed and that detailed numbers will be provided at the next meeting. He reported no new updates on the earthquake early warning system, noting current support from about 130 seismic stations and offshore monitoring limitations. In reply to Chair Sheingold's question regarding Senate Bill 2870, Lancaster stated that he could not predict the bill's timing but will continue monitoring and provide updates as available.

6. Chair Report (Sheingold)

Chair Sheingold reported that since the last meeting, he attended the Critical Minerals Committee meeting, participated in Inyo County lead agency outreach with DMR and CGS, and joined a Critical Minerals America webinar. He also attended two meetings of the Inter-Agency Mining Working Group and invited Member Driscoll to share his observations.

Member Driscoll stated that the working group has been highly engaged and that a presentation on Nevada's mine-permitting process underscored both the complexity of permitting and the opportunity for California to better characterize and streamline its own process while maintaining responsible environmental management. He noted a shared sense of urgency among participants and praised the effective coordination led by Elizabeth Betancourt.

Chair Sheingold added that the working group brings together agencies with diverse priorities that all intersect around critical minerals. He stated that the group aims to develop coordinated recommendations for the incoming administration to guide future policy initiatives.

7. Geologist Report (Fry, Jones)

Senior Geologist Paul Fry reported staff participation in two Inter-Agency Mining Working Group meetings in June and July and announced that Board staff returned to the office on July 1 and now work four days per week at headquarters. In July the Critical Minerals Committee met, and a public hearing was held for the Alquist-Priolo maps for the Hayward and Concord Fault Zones.

Fry also noted that Mallory Jones presented at the DOC Science and Innovations Conference and following the Board's approval to proceed with the Merced County designation, Board staff met with Merced County planning personnel to begin preparations for mineral designation workshops. Fry concluded by stating that all 2026 inspections have been scheduled and that

the inspection cycle recently began, with four mines inspected—three in El Dorado County and one in Yuba County.

8. Board Committee Reports

A. Critical Minerals (Chair Kenline)

Vice Chair Kenline reported that the Committee met in July to review draft revisions to the Mineral Classification and Designation Guidelines. Board Geologist Mallory Jones presented updates developed by Board staff and CGS, including incorporation of the Board-approved draft definition of critical minerals. Jones noted that additional refinements will continue with CGS input and legal review before going to the full Board.

Kenline stated that staff anticipate phased updates addressing integration of critical minerals, classification approaches, resource types and zones, lead agency responsibilities, data and mapping formats, and general organizational improvements. Chair Sheingold provided comments emphasizing clearer guidance for lead agencies and non-SMARA experts, including improved explanations distinguishing classification from designation and clarifying how the information should be used.

Kenline reported that CGS staff discussed future guideline updates that will remove jurisdictional boundary constraints in favor of geology-based mapping. Public comment was received from Imperial County Assistant CEO Bari Bean, who outlined Assembly Bill 2163 and described how it may complement the committee's work by supporting development in regions suited for critical mineral and clean energy activities. He concluded by noting that CalCIMA submitted written recommendations following the meeting.

9. Ex-Parte Communication Disclosure

Board 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 communications disclosed.

10. Public Comment Period

There were no public comments. However, during this item, Chair Sheingold addressed Adam Harper of CalCIMA who previously presented to the Board on ACR 157. He noted that ACR 157 has now been enrolled, and the 50th anniversary of SMARA has been noted and appreciated.

11. 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:
June 18th, 2026

Member Jung moved to adopt the minutes, and Member Whyte seconded the motion. Members Driscoll, Jung, Whyte, Vice Chair Kenline, and Chair Sheingold voted in favor; Member Zafir abstained; Members Holst, Landregan, and Los Huertos were absent. The motion passed with five votes in favor and one abstention.

12. Regular Business Items

A. Review of responses to public comments and approval of updated regulatory text for the SMARA 2714(f) exemption regulations.

Senior Geologist Paul Fry presented updated regulatory text for the proposed 2714(f) exemption regulations and requested Board approval to proceed with updating the associated rulemaking documents. He explained that the regulations are intended to standardize the exemption application process by clearly outlining required procedures and ensuring consistent, thorough evaluation of each request. Fry noted that the project began in 2021 and has involved multiple workshops, public comment periods, and revisions, including withdrawal and reworking of the initial regulatory package in response to extensive public feedback.

Fry summarized major comment themes and related updates, including extended noticing requirements, flexibility to hold hearings locally or in Sacramento with hybrid participation, and the decision not to define "infrequent nature" and "minor surface disturbance" because the regulations remain procedural. He noted added language confirming CEQA compliance and local permit requirements, clarifications to pre-submittal consultation—including CEQA roles and tribal consultation—and added provisions for written findings, discretionary inspections, coordination with lead agencies, and transparency throughout the process.

Following the presentation, Board members discussed clarification of the SMARA-only nature of the exemption, the role of pre-submittal consultation, the specificity of written findings, and the importance of ensuring the Board can request additional information when needed. Deputy Attorney General Rinke noted that much of the pre-consultation content is already captured within existing submittal requirements but agreed that adding language to clarify the Board's ability to request additional information would address concerns. She also concurred with the recommendation to remove overly specific language regarding written findings.

Public commenters Jared Naimark (Earthworks) and Lisa Belenky (Center for Biological Diversity) expressed appreciation for the regulatory revisions but urged the Board to provide clearer parameters or definitions for "infrequent nature" and "minor surface disturbance," noting that clearer parameters would help ensure consistency in determining eligible projects.

Member Jung moved to approve the updated regulatory text with the amendments discussed, including striking the phrase "stating the specific facts" from the written determination language in Section 4059 and adding subsection (n) to Section 4054 to clarify that the Board may request any additional information needed. Member Whyte seconded the motion. Members Driscoll, Jung, Whyte, Zafir, Vice Chair Kenline, and Chair Sheingold voted in favor, and the motion passed unanimously.

13. Presentations, Reports, and Informational Items

A. *Financial Assurance Education, Compliance, and Enforcement Update* (Gabe Tiffany, DOC)

Chief Deputy Director Gabe Tiffany provided an overview of the Division of Mine Reclamation's notice to mining operators issued on September 4 regarding SMARA education, compliance, and enforcement. He explained that the notice was sent to surface mining operators and lead agencies to address gaps in the state's records related to required financial assurances, noting that incomplete or missing assurances pose risks to long-term reclamation and potential liabilities for the state. Tiffany emphasized that the effort is beginning with extensive education and outreach to operators and lead agencies to reconcile records and improve compliance. He stated that enforcement remains a last resort but is available under SMARA if necessary. Tiffany noted that the initiative aligns with broader Department of Conservation goals related to accountability, resource protection, and sustainable development. He also announced that DMR will host a webinar on September 23 to provide additional information and answer questions.

Following Tiffany's presentation, Board members asked how the new DMR database will support financial assurance tracking. Tiffany and Stevenson confirmed it will integrate with the Division's online reporting system and automatically route required documents to Mines Online, though staff redaction will still be necessary and automated redaction may depend on vendor capabilities. Tiffany also confirmed the upcoming webinar will be recorded. In response to Chair Sheingold's question about how this outreach differs from previous efforts, Tiffany explained that the current effort is narrowly focused on financial assurances, identifying gaps, and improving compliance, with enforcement as a last resort. He noted that unresolved compliance issues could eventually result in appeals to the Board.

B. *Mining Ordinance Update Project, Progress Update* (SMGB Staff)

Geologist Mallory Jones provided a brief update on the mining ordinance update project. She reported steady progress across counties: Shasta's ordinance is nearing completion, Mendocino's draft is under County Counsel review, and San Bernardino's updated ordinance has been recommended for approval and is pending Board of Supervisors action at an upcoming October 2026 meeting. Biweekly meetings continue with Humboldt, Merced, and San Diego counties, and Group 1 drafts are approaching completion. Jones noted that Plumas County has completed initial sections and is developing additional portions for review. Engagement letters for Ventura, Inyo, and Tulare counties are prepared and will be sent once Group 1 work concludes.

Following the presentation, Member Whyte asked whether any updated ordinances might reach the Board before the end of the year. Jones responded that Merced, Shasta, and Mendocino are progressing quickly and may be ready for Board review soon. During public comment, Jared Naimark of Earthworks raised concerns about draft language in San Bernardino County's ordinance related to SMARA applicability on federal lands and encouraged the Board to consider how best to address the issue. Jones noted that Board staff are aware of the concern and have communicated it to the counties currently updating their ordinances.

C. *SMGB Mine Inspection Update* (SMGB Staff)

Geologist Mallory Jones reported on Board staff's annual inspection responsibilities, noting that the Board serves as lead agency for 49 mining operations statewide. She outlined the inspection process, which includes pre-inspection review, on-site evaluation of reclamation plan compliance, and post-inspection reporting to DMR, along with any necessary follow-up actions. Operators must submit updated financial assurance cost estimates within 30 days of inspection, and unresolved site issues may be reflected in future cost estimates.

Senior Geologist Paul Fry described the financial assurance review process, explaining that cost estimates typically increase annually unless reclamation has occurred. Staff review each estimate for completeness, coordinate with DMR on any comments, and issue approval notices once comments are resolved. Operators then have 30 days to adjust their financial assurance mechanisms, which are usually updated every few years. Reductions are possible when staff document completed reclamation.

Fry also outlined the Board's enforcement practices, emphasizing the goal of resolving issues informally when possible and pursuing formal enforcement only when necessary. He described two recent informal enforcement actions—at the Garnet Pit in Palm Springs and Santa Paula Materials in Ventura County—where operators corrected boundary and site compliance issues after staff identified concerns. Fry concluded by noting that these were the only compliance issues identified in the current inspection cycle and that all other sites were found in compliance.

14. Executive Session (Closed to the Public)
No executive session was held.

15. Announcements and Future Meetings
Chair Sheingold announced that the next regular Board meeting will be held on October 15. He noted that the Board will hold its election for Vice Chair at that meeting and invited any members interested in serving to notify staff in advance.

16. Adjournment
Member Jung motioned to adjourn, and the September 17, 2026, regular business meeting was unanimously adjourned at 12:44 p.m.

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THE STATE MINING AND GEOLOGY BOARD

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Sacramento, CA 95814

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Agenda Item No. 12A November 19, 2026

Consideration and approval of the updated rulemaking package describing the Board's administrative procedures for determining an exemption from the Surface Mining and Reclamation Act of 1975 pursuant to Public Resource Code (PRC) Section 2714(f).

INTRODUCTION:
The proposed regulations detail the procedures needed to apply for an exemption for surface mining operations of infrequent nature that involve minor surface disturbances. These proposed regulations also detail the administrative record, public hearing procedures, and effect of an exemption determination.

After the State Mining and Geology Board's (Board's) initial review and approval, the rulemaking package was submitted to the Office of Administrative Law (OAL) in January 2025. In October 2025, the rulemaking package was withdrawn from OAL review, so staff could address substantive public comments and refine the regulatory text. At the September 17, 2026 regular business meeting, Board staff presented updated regulatory text and responses to public comments which were approved by the Board.

Today, Board staff bring the updated rulemaking package for Board consideration. The rulemaking package includes the amended proposed regulatory language, the Notice of Proposed Action, the Initial Statement of Reasons, and the Economic Impact Analysis.

- Text of the Proposed Regulatory Language: shows additions to the California Code of Regulations and identifies the statutory authority for each section.
- Notice of Proposed Action: summarizes the proposed changes, outlines the agency's legal authority, and provides procedural details such as comment deadlines, hearing information, and how to obtain the full rulemaking materials.
- Initial Statement of Reasons: explains the rationale for the proposal, including the problem being addressed, the purpose and necessity of the changes and the supporting factual basis.
- Economic Impact Analysis: identifies the estimated economic and governmental impacts of the proposed regulations.

Board staff are seeking Board approval of the updated rulemaking package and direction to submit to OAL.

STATUTORY AND REGULATORY AUTHORITY:
Under the authority of PRC 2755, the Board is proposing to adopt sections 4050-4060 of Article 17, Title 14, Division 2, Chapter 8, Subchapter 1 of the California Code of Regulations (CCR). The proposed regulation implements, interprets, and makes specific section 2714(f) of the PRC.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE:
This rulemaking process is either not a project under Title 14, CCR 15378 of the CEQA Guidelines, or is exempt under the common sense exemption under Title 14, CCR 15061(b)(3) of the CEQA Guidelines, because there is no possibility that the development and approval of these regulations will have a direct or indirect significant effect on the environment. The proposed regulations would merely establish a procedure to implement an

existing statutory provision that allows the Board to exempt surface mining operations that it determines are of an infrequent nature and that involve only minor surface disturbances.

BACKGROUND AND DISCUSSION:

The exemption process provides an opportunity to perform "surface mining operations that the Board determines to be of an infrequent nature and that involve only minor surface disturbances" without having to meet SMARA requirements (PRC 2714(f)). SMARA exempts other activities from its purview—most of which describe projects or activities that include what may appear to be mining or earth moving activities that are a component of a larger permitted project. For example, one exemption applies to excavations or grading associated with farming (PRC 2714(a)). Another exempts excavations or grading to obtain materials for roadbed construction and maintenance for certain timber operations (PRC 2714(k)(1)). Others outright exempt traditional surface mining operations under a certain size (PRC 2714(d)) or the mining of a particular mineral such as salt or other minerals from sea or bay water (PRC 2714(g)).

As extensive as the list of exemptions under PRC 2714 might be, generating a list of every situation involving surface mining operations that might best be exempt from SMARA is problematic. Currently, no statutory or regulatory process for seeking an exemption from the Board under PRC 2714(f) exists. The lack of procedures and instructions describing the exemption request process leads to case-by-case evaluation, which can be problematic and difficult.

The intent of this rulemaking is to standardize the exemption application process by clearly stating the procedures required for each request for exemption, including appropriate environmental review, and ensuring that each request receives the same diligent and comprehensive evaluation by the Board before the determination of exemption is made.

HISTORY OF REGULATORY DEVELOPMENT AND PUBLIC ENGAGEMENT:

Development of the proposed 2714(f) exemption regulations has involved extensive public outreach and iterative refinement over several years. Since December 2021, substantial input has been received from Board members, agencies, interested parties, and the public through workshops, informational briefings, and formal hearings. This outreach and participation have informed each stage of regulatory development, including the drafting, revision, and updating of procedural requirements. The following table summarizes the key milestones, Board actions, and public engagement activities that have occurred throughout the development of the regulatory package.

May 2021	Concerns raised during a Board meeting about whether certain projects were appropriately exempt from SMARA revealed gaps and inconsistencies in how PRC 2714(f) was being implemented. This discussion prompted the Board to consider the need for procedures governing exemption determinations.
August 2021	Board directed staff to develop 2714(f) regulations.
March and August 2022	Board staff conducted pre-rulemaking workshops to discuss the purpose of the proposed regulatory action and concepts for draft regulatory language. Over 80 persons participated in the workshops including SMARA lead agency staff, mine operators, mining industry consultants and association representatives, other state government staff, and members of the public.
April 2023	The Board reviewed and approved preliminary draft regulatory language.
August 2024	Board staff presented updated regulatory text to the Board, and additional public comments were received.

October 2024	The Board approved a rulemaking package and directed staff to proceed with the formal rulemaking process.
January - March 2025	Board staff submitted the regulatory package to OAL, initiating the formal public comment period, during which over 1,500 comments were received.
October 2025	Due to the number of substantive comments received, additional time was needed to address them and update the regulatory text; therefore, the Board elected not to proceed with the 2714(f) rulemaking package and withdrew it from OAL consideration.
September 2026	Board staff presented responses to substantive comments and updated regulatory text to the Board. The Board approved the text and directed staff to update the associated rulemaking package for resubmittal to OAL.

EXECUTIVE OFFICER RECOMMENDATION:

Approve the rulemaking package and direct Board staff to proceed with the formal rulemaking process.

SUGGESTED MOTION:

Board Chair, based on the information presented today, I move that the Board approve the updated rulemaking package for Public Resources Code 2714(f) and direct staff to proceed with the rulemaking process through the Office of Administrative Law.

Respectfully submitted:



_____

Jeffrey Schmidt
Executive Officer

References:

1. Strikethrough Text of Regulations – Approved by the Board at its September 17, 2026, regular business meeting; highlighted text denotes the two Board-directed modifications.

Attachments:

1. Proposed Regulatory Language for CCR sections 4050-4060
2. Notice of Proposed Regulatory Action
3. Initial Statement of Reasons
4. Economic Impact Analysis

Text of Proposed Regulations (Original)

California Code of Regulations
Title 14. Natural Resources
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board
Article 17. Surface Mining Operations of Infrequent Nature That Involve Minor Surface Disturbances

§ 4050 Purpose of Regulations. The regulations contained in this article set forth the procedures that the State Mining and Geology Board (Board) shall use for the determination of exemptions pursuant to Public Resources Code (PRC) section 2714(f).

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4051 Pre-submittal Consultation. The project proponent shall request a pre-submittal consultation, by email or certified mail, prior to submitting the exemption application. The Board's Executive Officer shall consult with the project proponent, the Surface Mining and Reclamation Act (SMARA) lead agency, and the land use agency with jurisdiction while considering an exemption requested under PRC section 2714(f). Topics of discussion will include the following:

a) The scope, nature, and intent of the proposed surface mining operation.
b) The amount and type of mineral commodity or materials that will be produced as well as the proposed method of production or exploration.
c) The project's environmental review under California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) as part of the lead agency permitting process, including identification of the CEQA lead agency and early initiation of tribal and other consultations, as required.
d) The condition in which the site will be left that minimizes adverse effects on the environment, protects public health and safety, and that is readily adaptable to the designed use or readily adaptable to alternative land uses.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Sections 21000, 21080.3.1, 21080.3.2, and 21084.3 Public Resources Code.

§ 4052 Permitting and CEQA Compliance. The Board's determination of an exemption pursuant to PRC 2714(f) does not alter the requirement to obtain necessary permits. When making 2714(f) determinations, the Board, shall adhere to and fully implement all applicable requirements of CEQA. For nearly all projects, the local permitting agency will be the CEQA lead agency, and the Board will be a CEQA responsible agency.

Authority: Section 2755, Public Resources Code. Reference: Section 21000, Public Resources Code.

§ 4053 Applicability for Exemption. Only activities that constitute surface mining operations under SMARA will be considered for an exemption under PRC 2714(f).

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Authority: Section 2755, Public Resources Code. Reference: Sections 2714(f), 2735 Public Resources Code.

§ 4054 Filing a Request for a Determination of Exemption. A request for exemption under PRC section 2714(f) shall be initiated by filing a request for determination of exemption with the Board. The request for determination of exemption shall include the following information:

a) Name, address, telephone number, and email address of:
   1. The applicant and any agent for contact of service;
   2. The subject property owner(s);
   3. Any lessee or lien holder to the surface mining operation;
   4. The land use agency with jurisdiction;
   5. The SMARA lead agency with jurisdiction;
   6. Each mining operation, including their California mine identification number, located within 60 miles of the proposed surface mining operation;
   7. The owners of properties contiguous to the surface mining operation;

b) A map, prepared by an appropriately qualified professional, indicating the location, the latitude and longitude, and the boundaries and the limits of the surface mining operation and acreage;

c) A legal description of such property comprising the surface mining operation, such as township and range, metes and bounds, parcel numbers, or other descriptive methods to specifically identify such property;

d) Any land use agency permit documents for the surface mining operation, including, to the extent applicable, CEQA and/or NEPA review documentation prepared for the project, or any other evidence of the right to operate such as by specific zoning or ordinance;

e) Copies of any other public agency permits associated with the surface mining operations and a statement regarding the current status of required permits which have not yet been obtained;

f) Lead agency staff reports concerning the approval or impacts of the surface mining operation and meeting minutes of any public hearings related to the lead agency's consideration or approval of the permit to conduct the surface mining operation;

g) The time frame planned for the proposed surface mining operations, including the start date and the estimated schedule of completion, and whether period of inactivity would occur;

h) Approximate volume and type of material to be removed from the surface mining operation;

i) Approximate volume of the topsoil proposed to be disturbed or salvaged by the surface mining operation and final disposition;

j) Approximate volume of the overburden proposed to be disturbed or salvaged by the surface mining operation and final disposition;

k) Approximate volume of residual mining waste and final disposition following the surface mining operation;

l) Grading plans showing current topography and proposed final elevations of mined lands;

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m) A declaration or affidavit attesting to the true and accurate nature of the materials and information provided pursuant to this section; and

n) Any other information the Board requests related to the specific application

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4055 Initial Review of a Request for a Determination of Exemption. The Board's Executive Officer shall initially evaluate whether the request for determination of exemption contains the minimum applicable information specified in section 4054 of this article and shall also determine if the request for exemption is complete within thirty days of receipt of the filing. If the Board's Executive Officer determines that the request for exemption does not contain sufficient information to meet the requirements of section 4054, the request shall be rejected and the deficiencies in the request shall be identified by the Board's Executive Officer in written correspondence to the applicant. The applicant may address the deficiencies and may resubmit the request for a determination of exemption.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4056 Administrative Record. The administrative record before the Board shall consist of the applicable documents specified in section 4054, Board staff reports, related materials other persons may have submitted to the Board during its consideration of the request for exemption, and any other materials the staff of the Board considered in reviewing the request.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4057 Public Hearing for Exemption Determination. No determination of exemption shall be made by the Board without a public hearing and an opportunity for the applicant, the lead agency, any interested persons, and the public to comment. A 30-day Notice of the public hearing will be provided to those identified in 4054(a)(6) and (a)(7) and posted upon the Board's website. The public hearing shall be held by the Board within 90 days of the Executive Officer's determination that the request is complete and, at its discretion, within the county where the exemption is claimed or within the county of the Board's offices (County of Sacramento).

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4058 Hearing Procedures.

a) The public hearing should proceed in the following manner:

1. Review of the Executive Officer's informational report and the administrative record;

2. Statements on behalf of the applicant;

3. Statements on behalf of the land use and SMARA lead agency;

4. Statements on behalf of the public;

5. Rebuttal on behalf of the applicant;

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6. Rebuttal on behalf of the land use and SMARA lead agency;

7. Rebuttal on behalf of the public;

8. The Board may ask questions of Board staff, the applicant, the land use and SMARA lead agency and members of the public as part of its deliberations. The Board shall, upon a motion, determine by a vote whether the surface mining operation is exempt from SMARA pursuant to PRC section 2714(f). The determination shall identify the specific facts that support or deny the exemption. The Board may also, within its discretion, choose to continue the request to a future Board meeting; and

9. Motion to close the public hearing.

b) Notwithstanding the above, the Chair of the Board may, in the exercise of their discretion, determine the order of the proceedings, provide for additional testimony, or provide for additional rebuttal.

c) The Chair of the Board may impose reasonable time limits upon statements and presentations.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4059 Notification of Board Determination. Notification of the Board's determination, which includes findings relied on to make its determination, shall be made by certified mail to the lead agency and the project proponent within 15 days following the public hearing at which the decision is made and shall be posted upon the Board's website.

Authority: Section 2755, Public Resources Code. Reference: Section 2714(f), Public Resources Code.

§ 4060 Effect of a Determination of Exemption. Under PRC section 2714(f), a determination of exemption by the Board exempts the surface mining operation from the requirements of SMARA (PRC sections 2710 et. Seq.), only to the extent it is operated consistent with the request for exemption, the Board's approval of the exemption, and all applicable public agency permits. The applicant shall notify the Board within 30 days of any future modification to the surface mining operation. The Board may conduct periodic inspections of the surface mining operation. The Board shall notify the operator and the lead agency at least five days prior to conducting an inspection of the surface mining operation. If surface mining operations are modified or conducted in a manner inconsistent with the documents submitted under California Code of Regulations, Title 14, Section 4054, the Board may, at its discretion, require the steps outlined in this Article to be repeated—including resubmittal of documentation and a public hearing to reconsider its prior exemption determination—and/or pursue other remedies to ensure compliance with SMARA, including but not limited to issuing a cease-and-desist order for surface mining operations.

Authority: Section 2755, Public Resources Code. Reference: Sections 2714(f), 2715, 2774.1 Public Resources Code.

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ATTACHMENT "2"

NOTICE OF PROPOSED RULEMAKING ACTION

PROPOSED REGULATIONS
PUBLIC RESOURCES CODE SECTION 2714(f) EXEMPTION

TITLE 14. NATURAL RESOURCES
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board
Article 17. Surface Mining Operations of Infrequent Nature that Involve Minor Surface Disturbances

Notice Published: XXX XX XXXX

NOTICE IS HEREBY GIVEN the State Mining and Geology Board (Board) proposes to adopt the regulation described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Article 17 criteria (sections 4050-4060) for exemptions from the Surface Mining and Reclamation Act of 1975 (Public Resources Code section 2710 et seq., SMARA) under Public Records Code (PRC) section 2714(f) which pertains to: "…mining operations that the Board determines to be of an infrequent nature and that involve only minor surface disturbances." The proposed regulations detail the procedures needed to apply for an exemption for surface mining operations of infrequent nature that involve minor surface disturbances. These proposed regulations also detail the administrative record, public hearing procedures, and effect of exemption determination.

WRITTEN COMMENT PERIOD AND PUBLIC HEARING

Any Person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the Board.

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Comments may be submitted by email smgbregulations@conservation.ca.gov or by mail to:

State Mining and Geology Board
ATTN: 2714(f) Exemption
715 P Street, MS 19-09
Sacramento, CA 95814

The written comment period opens XXX XX XXXX and closes on XXX XX XXXX

Public Hearing
Pursuant to Government Code section 11346.8, the Board scheduled a public hearing in person and virtually for the time and place stated below to receive oral or written comments regarding the proposed regulatory action:

XXX XX XXXX

SMGB
715 P Street, Second Floor
Conference Room X-XXX
Sacramento, CA 95814

Use this link to join the Public Hearing virtually via Microsoft Teams
https:XXXXXXXXXXXX
Meeting ID: XXXXXXXX
Passcode: XXXXXXXX
Teleconference number- audio only
+1 (916) XXX – XXXX **Phone Conference ID**: XXX – XXX - XXXX

Accessibility
If you have a disability and require a reasonable accommodation to fully participate in this event, please contact Sarah Rubin, Outreach and Engagement Coordinator as soon as possible to discuss your accessibility needs.
Email: Sarah.Rubin@conservation.ca.gov | PH: (916) 214-5731

[English]
Translation and interpretation services may be provided upon request. To ensure availability of these services, please make your request no later than ten working days prior to the workshop by contacting Sarah Rubin, Outreach and Engagement Coordinator. Email: Sarah.Rubin@conservation.ca.gov | PH: (916) 214-5731

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[Spanish]
Se podrán proporcionar servicios de traducción e interpretación a petición previa. Para poder garantizar la disponibilidad de estos servicios, asegúrese de realizar su solicitud a más tardar diez días hábiles antes de la reunión comunitaria comunicándose con Sarah Rubin, Coordinadora de Alcance y Participación. Correo electrónico: Sarah.Rubin@conservation.ca.gov | Tel: (916) 214-5731

AUTHORITY AND REFERENCE

Under the authority of PRC section 2755, the Board is proposing to adopt sections 4050-4060 of Article 17, Title 14, Division 2, Chapter 8, Subchapter 1 of the CCR. The proposed regulation implements, interprets, and makes specific section 2714(f) of the PRC.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

SMARA was enacted to ensure that any significant adverse impacts of mining to the environment are prevented or mitigated, and public health and safety is protected. SMARA, at PRC section 2770, requires surface mining operations obtain a local government approved permit or other authority to mine, an approved reclamation plan, and approved financial assurances to cover reclamation costs should the operator become financially incapable of reclamation, or they abandon the operation.

PRC section 2714 provides a list of exemptions from SMARA's requirements. Subdivision (f) of PRC section 2714 provides the Board with the authority to exempt "Any other surface mining operations that the Board determines to be of an infrequent nature and that involve only minor surface disturbances."

Proposed Regulation

The purpose of Title 14, Division 2, Chapter 8, Subchapter 1, Article 17 of the CCR sections 4050-4060 is to govern procedures the Board will use to determine if a proposed surface mining operation is of an infrequent nature and will only involve a minor surface disturbance and should therefore not be subject to SMARA pursuant to PRC section 2714(f).

The proposed regulations address and detail:

- The purpose of the proposed regulations

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- Requirement for a consultation before submittal of a request for a determination of exemption
- Clarifying permitting and compliance with the California Environmental Quality Act (CEQA)
- Information required to be included in a request for a determination of exemption
- The administrative record requirements
- The public hearing requirements and procedure
- Effects of the determination of exemption and enforcement

Anticipated Benefits of the Proposed Regulations

The statute imbuing the Board with the exemption authority does not include the process for filing for an exemption under PRC section 2714(f). Applicants seeking an exemption have little to no guidance on the scope and contents of an application, how the Board conducts the public hearing, or even when or how a decision is issued by the Board, following a public hearing. The proposed regulations will specify and standardize the procedure to submit the request for exemption to the Board. The jurisdiction determination procedures are also outlined and detailed. Proposed CCR sections 4050-4060 specify and define the requirements for the administrative record, development of that record, and the requirements for public hearings and communication associated with the submitted request for exemption.

The specific benefits anticipated from the regulation include the Board's receipt of defined application contents and clarification of permitting and compliance with CEQA. This allows the Board to make an informed decision following a required public hearing. This will ensure the continued protection of the environment and public health and safety, promote fairness to all applicants, ensure social equity, and increase openness and transparency of the Board's exemption application and hearing process.

Consistency with Federal Statute and Regulation

The proposed regulations do not duplicate nor conflict with existing federal statutes or regulations.

Consistency with Existing State Regulation

The proposed regulations are not inconsistent nor incompatible with existing state regulations. After conducting a review for any regulations that relate to or

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would affect the Board's exemption determination, the Board has concluded that these are the only regulations concerning the Board's exemption determination procedures.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following determinations, based in part on the Economic Impact Analysis prepared for this proposed rulemaking:

Mandate on local agencies and school districts: The rulemaking would require the Executive Officer to consult with the SMARA lead agency and the land use lead agency with jurisdiction. Participation in this consultation by these lead agencies is voluntary on their part. If the project proponent subsequently decides to request a determination of exemption, the SMARA lead agencies may attend the hearing to provide statements and/or rebuttal and may be asked questions by the Board during the deliberative phase. However, under PRC section 2207(e) local lead agencies may impose a fee on mining operations to cover the costs of SMARA administration, thus there is no unfunded local mandate.

Costs or savings to any state agency: There could conceivably be a modest savings to state agencies due to the elimination of superfluous steps by outlining the determination of exemption process.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: The Board determined this proposed regulation does not impose any additional cost obligations on local agencies or on local school districts.

Other nondiscretionary costs or savings imposed upon local agencies: The Board determined that no other non-discretionary costs or savings to local agencies are imposed by the proposed regulations.

Cost or savings in federal funding to the state: The Board determined that there are no costs or savings in Federal funding to the State.

Significant effect on housing costs: The Board determined that the adoption of these regulations will have no significant effect on housing costs.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other

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states: The Board determined that no statewide adverse impacts to California businesses result from the adoption of this proposed regulatory language. The proposed regulations will have no cost impact on businesses beyond the cost associated with the request for exemption, and no existing businesses in California will be expanded or eliminated.

Creation or elimination of jobs within California: The Board does not anticipate the proposed regulations would create or eliminate jobs within California.

Creation of new businesses or the elimination of existing businesses within California: The Board does not anticipate the proposed regulations would create new businesses or eliminate existing businesses.

Expansion of businesses currently doing business within California: The Board does not anticipate the proposed regulations would lead to the expansion of businesses currently doing business within California.

Benefits to the health and welfare of California residents, worker safety, and the state's environment: The Board does not anticipate the proposed regulations would negatively impact the health and welfare of California residents, worker safety, and the state's environment. A structured procedure for a determination of exemption will ensure the Board thoroughly considers every exemption request on a fair and consistent basis. This will allow for a sufficient evaluation of each request to ensure that appropriate information is obtained and required environmental review has been conducted prior to granting the exemption for surface mining operations.

As a result, The Board anticipates that the proposed regulations will further the goal and mission of SMARA which seeks to prevent any significant adverse impact of mining on the environment, protect public health and safety and ensure the welfare of California residents. The proposed regulatory action will not affect worker safety.

Costs impacts on a representative private Person or business: The cost of a request for a determination of exemption for the requestor is somewhere between $78,158 and $188,670. However, the proposed regulations do not add any requirements to the current determination of exemption procedure; instead, they specifically outline the procedure, which could conceivably result in a modest cost savings to requestors due to the elimination of superfluous steps.

DRAFT

Effects on small businesses: The proposed regulations will only affect small businesses which request a determination of exemption and would conceivably result in modest cost savings to those who file a request due to the elimination of superfluous steps by outlining the determination of exemption process.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative considered by the Board or identified and brought to the Board's attention would be more effective in carrying out the rulemaking's purpose, would be effective and less burdensome to affected private Persons than the proposed action, or would be more cost-effective to affected private Persons and equally effective in implementing PRC section 2714(f).

The Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the public comment period or at any scheduled hearing.

CONTACT PERSONS

Inquiries concerning the substance of the proposed amended regulation should be directed to:

Paul Fry, Senior Geologist
State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814
Phone: (916) 212-1139
Paul.Fry@conservation.ca.gov

Back-up contact:
Mallory Jones, Geologist
State Mining and Geology Board
715 P Street, MS 1909
Sacramento, CA 95814
Phone: (916) 214-2066
Mallory.Jones@conservation.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of this regulation, the initial statement of reasons, the modified text of the

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regulation, if any, or other information upon which this rulemaking is based to Paul Fry at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the Initial Statement of Reasons, and a standard form 399.

Copies of these documents may be obtained by contacting Paul Fry at the address and phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period and any hearing that may be conducted by the Board to accept comments and evidence regarding the adoption of the proposed regulation, the Board will consider all timely and relevant comments received. Thereafter, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Paul Fry at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Paul Fry at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the proposed amended text of the regulation can be accessed through our webpage at:
https://www.conservation.ca.gov/smgb/Pages/Rulemaking/index.aspx

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INITIAL STATEMENT OF REASONS

PROPOSED REGULATIONS
PUBLIC RESOURCES CODE SECTION 2714(f) EXEMPTION

TITLE 14. NATURAL RESOURCES
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board
Article 17. Surface Mining Operations of Infrequent Nature That Involve Minor Disturbances

The State Mining and Geology Board (Board) proposes to adopt article 17, sections 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, and 4060 of the California Code of Regulations (CCR), title 14, division 2, chapter 8, subchapter 1.

Unless otherwise specified, references in this document to a "section" are references to a section of CCR title 14, as it would be added by this rulemaking.

INTRODUCTION AND BACKGROUND

Established in 1885, the Board serves as a regulatory, policy, and hearing body representing the state's interests 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.

The Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) section 2710 et seq., "SMARA") was enacted into law to create and maintain an effective and comprehensive surface mining and reclamation policy in California. SMARA lead agencies, comprised of cities, counties, and the Board, have the principal responsibility to implement and administer SMARA within their respective jurisdictions.

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SMARA provides that surface mining operations shall not be conducted "unless a permit is obtained from, a Reclamation Plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency" (PRC section 2770(a)). The exemption process provides an opportunity to perform "surface mining operations that the board determines to be of an infrequent nature and that involve only minor surface disturbances" without having to meet these SMARA requirements.

SMARA requires at least one public hearing for the approval of a mining permit, pursuant to PRC section 2774(a). Prior to or at the time of approval, the lead agency must also comply with the California Environmental Quality Act (CEQA). Lead agencies often combine the approval of a mining permit and applicable CEQA documents with the approval of a Reclamation Plan and/or related approvals.

The subsections of PRC section 2714 list activities that are considered exempt from the requirements of SMARA, the majority of which are issued by the local permitting agency. Several of the listed exemptions under PRC section 2714 describe projects or activities that include mining as a component of the activity or project. For example, some exemptions identify certain excavations, grading, or other earthmoving activities that might appear to be mining, such as excavations or grading associated with farming (PRC section 2714(a)) or excavations or grading to obtain materials for roadbed construction and maintenance for timber operations (PRC section 2714(k)(1)). Others outright exempt traditional surface mining operations under a certain size (PRC section 2714(d)) or the mining of a particular mineral such as salt or other minerals from sea or bay water (PRC section 2714(g)).

As extensive as the list of exemptions under PRC section 2714 might be, generating a list of every situation involving surface mining operations that might best be exempt from SMARA is problematic. In those cases, including where surface mining operations are conducted as a component of an activity, like construction or restoration projects not covered by any exemption, the PRC 2714(f) exemption allows the Board to fill the gap and exempt "any other surface mining operations that the Board determines to $be of an infrequent nature and that involve only minor surface disturbances". A survey of every exemption request submitted to the Board since 2008 demonstrates the range

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of projects without an express exemption that included surface mining as a component of the activity. PRC section 2714(f) provides the Board the authority to exempt the mining component of the project or activity, especially in cases where the primary or underlying purpose of the project is not a traditional commercial surface mining operation.

Currently, no statutory or regulatory process for seeking an exemption from the Board under PRC section 2714(f) exists. This leaves an applicant with little choice but to contact Board staff to determine what the exemption process entails. Board staff must decide on a case-by-case basis, the content of the application including the amount and type of information required, the time it will take for Board staff to process the application, if and when a hearing is required and how the hearing will be conducted, and when the applicant can expect to receive a decision from the Board.

The lack of procedures and instructions describing the exemption request process results in, among other things, a longer process, increased costs to the applicant, uncertainties with environmental review under CEQA and/or NEPA, a lack of transparency for applicants and the public, increased use of Board staff resources, potentially disparate exemption outcomes or decisions, potential reduced protections to the environment, and an overall lack of fairness, perceived or otherwise. The intent of this rulemaking is to standardize the exemption application process by clearly stating the procedure required for each request for exemption and ensuring that each request receives a diligent and comprehensive evaluation and appropriate environmental review by the Board before the determination of exemption is made.

<u>Public Input Efforts Preceding this Rulemaking</u>
Extensive public outreach has been conducted regarding the regulations.

2022
The Board conducted pre-rulemaking workshops on March 24, 2022, and August 18, 2022, to discuss the purpose of the proposed regulatory action and concepts for draft regulatory language.

Over 80 persons participated in the workshops including SMARA lead agency staff, mine operators, mining industry consultants and association representatives, other state government staff, and members of the public.

DRAFT

2023
Additional comments from Board members and the public were received during information updates at Board meetings dating back to December 2021, and at the Board's regular business meetings on March 23, 2023, and April 20, 2023, the preliminary draft regulatory language was reviewed and subsequently approved by the Board.

2024
During the Board's Regular Business Meeting in August 2024, public comments were submitted for consideration concerning the preliminary rulemaking package.

2025
Board staff submitted the regulatory package to the Office of Administrative Law (OAL) January 2025, initiating the formal public comment period, during which over 1,500 comments were received.

Due to the number of substantive comments received, additional time was needed to address them and update the regulatory text; therefore, the Board elected not to proceed with the 2714(f) rulemaking in October 2025.

2026
Board staff presented responses to substantive comments and updated regulatory text to the Board at the Board's regular business meeting held on September 17, 2026. The Board approved the text and directed staff to update the associated rulemaking documents to re-open the formal rulemaking process.

SPECIFIC PURPOSE, RATIONALE, AND BENEFITS OF EACH REGULATION

The purpose, rationale, and anticipated benefits of each proposed section are discussed specifically below:

Section 4050 requires that the regulations in article 17 be the procedures the Board uses for determination of exemptions. Requiring a standardized process in the determination of exemption will increase clarity for the entities involved in the process by clearly defining the responsibilities of the project proponent, lead agencies, and the Board. This will result in a more streamlined, efficient, and transparent process.

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Section 4051 requires the Board's Executive Officer to consult with the project proponent and both the SMARA Lead Agency and land use agency with jurisdiction before submission of a request for exemption.

Before submission, coordination between all parties via email or certified mail will help ensure a more complete application for exemption upon submission, clarify responsibilities for appropriate environmental review under CEQA and/or National Environmental Policy Act (NEPA), and foster a concerted effort that will likely be more efficient.

Subsection (a) through (d) details topics of discussion during the pre-submittal consultation which include: (1) the basic details describing the nature and scope of the project, (2) the types of commodities proposed for extraction, (3) the environmental review and tribal consultation requirements; and, (4) the condition that the project will be left in following completion.

This section will also act as a filter to rule out any projects that are not surface mining operations before project proponents spend time and resources creating their application and will ensure NEPA and CEQA agencies are aware of the request for exemption at an early stage. Identifying the CEQA lead agency and performing tribal consultation as required, was included in response to public comment and for clarity.

Section 4052 clarifies that all exemption requests must comply with CEQA, as applicable, and that exemptions do not replace local permits. In nearly all cases, local agencies are the CEQA lead agency, with the Board acting as a responsible agency. This section was added in response to public comment.

Section 4053 stipulates that only surface mining operations determined by the Board to be of an infrequent nature and involving only minor surface disturbances shall be eligible for an exemption. This is necessary to ensure alignment with statute.

Section 4054 stipulates that a request for exemption shall be initiated by filing a request for determination of exemption with the Board. Each subsection includes an item of information that will be used when determining if an exemption will be granted:

DRAFT

Subsection (a)(1) through (a)(7) are contact information for all pertinent parties and each is necessary to ensure that a contact can be sent relevant documents or reached for inquiry or notification related to the surface mining operation. This subsection was reformatted for clarity.

Subsections (b) and (c) are a map and legal description of the property comprising the surface mining operation and are necessary to specifically identify the geographical location of the operation.

The permits and lead agency reports included in **Subsections (d) through (f)** are necessary because they are records of conditions of approval for the surface mining operation or the underlying project or activity that includes mining as a component of the project or activity.

Subsections (g) through (k) are proposed parameters for the surface mining operation and are necessary to determine eligibility for an exemption under PRC section 2714(f).

Subsection (l) is grading plans showing topography of the land before and after mining and is necessary to ensure restoration of the mined land.

Subsection (m) is an attestation that all material and information provided in the request for exemption is true and accurate and is necessary to ensure diligence and accountability by the applicant.

Subsection (n) is any other information the Board requests related to the specific application. This subsection was added at the request of the Board.

The inclusion of each subsection of section 4054 contributes to a diligent and thorough investigation of an application for exemption before a Board determination is made and will ultimately help minimize or prevent adverse effects on the environment and the protection of public health and safety.

Section 4055 designates the Board's Executive Officer to verify that a request for determination of exemption contains each of the items listed in section 4054 and is fully completed. If a request is not complete, the Executive Officer shall reject the request and identify the deficiencies in written correspondence to the applicant. The requirement to identify and communicate any deficiencies to an applicant will make the process more objective and transparent and will help foster a concerted effort that will likely be more efficient.

DRAFT

Section 4056 stipulates the items that make up the administrative record before the Board. This section will increase transparency and ensure that a comprehensive record of documents is kept in the event that an appeal or legal challenge arises, and the determination of exemption must be defended.

Section 4057 requires that a public hearing be held within 90 days of the Executive Officer's determination that a request for exemption is complete within the county where the exemption is requested or the county of the Board's offices (Sacramento County). This section was modified to include a 30-day notice for the public hearing. This notice period was added in response to public comment. Public outreach and analysis of the resulting feedback is crucial in ensuring that any concerns or questions from interested parties are considered, addressed, and answered. A robust and responsive outreach effort helps to cultivate public trust and a diverse respondent demographic can identify issues that may have been overlooked or unintended.

Section 4058(a) outlines how a public hearing procedure regarding an application for exemption under PRC section 2714(f) should proceed:

Subsection (a)(1) is necessary to ensure that the proposed surface mining operation meets the prescribed standards for exemption before testimony by interested parties occurs.

Subsections (a)(2) through (a)(7) are necessary to ensure each party with an interest in the application for exemption has an opportunity to both state their argument for or against the exemption and rebut arguments contrary to their position.

Subsection (a)(8) is necessary to allow the Board to make a determination of exemption at the conclusion of the hearing or to postpone the determination in order to further consider relevant information.

Subsection (a)(9) is necessary to verify that the hearing can be formally concluded.

Section 4058(b) allows for the Chair of the Board to determine an alternate order of hearing proceedings or allow for additional testimony or rebuttal, at their discretion. This is necessary to ensure that due diligence is performed in a determination of exemption if extenuating circumstances exist.

DRAFT

Section 4058(c) allows for the Chair of the Board to impose reasonable time limits upon testimonies and rebuttals during the hearing. This is necessary to prevent an interested party from presenting for a disproportionate amount of time during the hearing and promotes fairness to all parties involved.

The inclusion of each subsection of section 4058 will ensure a diligent and thorough investigation of an application for exemption before a Board determination is made and will ultimately help minimize or prevent adverse effects on the environment and the protection of public health and safety.

Section 4059 requires the Board's Executive Officer to notify the applicant and lead agency or agencies by certified mail of the determination of exemption no more than 15 days following the public hearing. This section was modified from 10 to 15 days in response to public comment. This section also requires the determination to be posted on the Board's website. The requirements of this section ensure that applicants receive a timely determination of exemption from the Board and that the determination is publicly available to all interested parties. An expeditious response by the Board serves to foster a positive working relationship with applicants and prevents determinations from dragging out over long periods of time. Posting each determination on the Board's website increases transparency. The Board clarified that the written determination only consists of "findings relied upon."

Section 4060 requires an applicant to notify the Board within 30 days of any future modification to the surface mining operation. This section also requires the Board to notify a mine operator at least five days prior to conducting an inspection. Operators may make modifications that render a previously exempted operation ineligible for exemption, and the Board may decide to hold a public hearing to determine if the previous exemption is still valid considering any modifications made by the operator. If surface mining operations are modified or conducted in a manner inconsistent with the documents submitted, the Board may require steps outlined in this article to be repeated and/or the Board may pursue other remedies including but not limited to issuing a cease-and-desist order for surface mining operations. This section was modified in response to public comment and for clarity regarding enforcement.

DRAFT

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private Persons than the proposed action. The Board's Executive Officer has not identified any adverse impacts resulting from the proposed regulation.

- An alternative the Board considered was the Board taking no action to address the unprescribed nature of section 2714(f). By taking no action, the Board would continue to address the exemption process the way it has in the past, leaving the unprescribed nature of the exemption process intact, allowing for variation in the exemption determination and resulting in an ambiguous process that could be perceived as inequitable.

- An alternative the Board considered, but rejected, was to impose a fee for the processing of the exemption application. It was determined that the Board does not have the authority under SMARA to charge a fee for this process.

- An alternative the Board considered, but rejected, was providing definitions for "infrequent nature" and "only minor surface disturbances." It was determined that leaving these terms flexible would allow the Board discretion to consider these projects in context rather than being limited to defined quantities. The Legislature included this exemption language in SMARA when it was initially drafted in 1975 with the intention of providing the Board with the discretion to determine on a case-by-case basis what type of operation is "infrequent" and "minor." While conducting pre-rulemaking workshops and public outreach, some interested parties requested that the proposed regulations further clarify and specify "infrequent" and "minor." The Board considered those comments but wanted to maintain its discretionary authority, as described in the statutory language, and therefore directed staff not to further define those terms in the proposed regulatory language.

- An alternative the Board considered, but rejected, was requiring the project proponent provide information about how the project was

DRAFT

funded. It was determined that this information was out of scope for projects which received exemption from PRC section 2714(f).

- An alternative the Board considered, but rejected, was requiring the public hearing to be held in the jurisdiction where the surface mining operation would be located. The Board elected to retain its case-by-case discretion to select hearing locations to balance procedural requirements and practical considerations. Since 2023, the Board has held all public meetings in a hybrid format, offering both in person and virtual participation.

The Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the public comment period or at any scheduled hearing.

CEQA COMPLIANCE

The Board has determined that this rulemaking process is either not a project under Title 14, CCR section 15378 of the CEQA Guidelines, or is exempt under the commonsense exemption under Title 14, CCR section 15061(b)(3) of the CEQA Guidelines, because there is no possibility that the development and approval of these regulations will have a direct or indirect significant effect on the environment. The proposed regulations would merely establish a procedure to implement an existing statutory provision that allows the Board to exempt surface mining operations that it determines are of an infrequent nature and that involve only minor surface disturbances.

CONSISTENCY WITH COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed regulations do not duplicate nor conflict with existing Federal statutes or regulations.

CONSISTENCY WITH STATE REGULATIONS

The proposed regulations are not inconsistent nor incompatible with existing state regulations. After conducting a review for any regulations that relate to or would affect the Board's exemption determination, the Board has concluded that these are the only regulations concerning the Board's exemption determination procedures.

DRAFT

MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The rulemaking would require the Executive Officer to consult with the SMARA lead agency and the land use lead agency with jurisdiction. Participation in this consultation by these lead agencies is voluntary on their part. If the project proponent subsequently decides to request a determination of exemption, the SMARA lead agencies may attend the hearing to provide statements and/or rebuttal and may be asked questions by the Board during the deliberative phase. However, under PRC section 2207(e) local lead agencies may impose a fee on mining operations to cover the costs of SMARA administration, thus there is no unfunded local mandate. School districts are not affected by the regulation.

ECONOMIC IMPACTS

The Board has made the following determinations, based in part on the Economic Impact Analysis prepared for this proposed rulemaking, which is included as a separate document in the rulemaking package and incorporated here by reference.

Costs impacts on a representative private person or business: The cost of a request for a determination of exemption for the requestor is somewhere between **$78,158 and 188,670**. However, the proposed regulations do not add any requirements to the current determination of exemption procedure; instead, they specifically outline the procedure, which could conceivably result in a modest cost savings to requestors due to the elimination of superfluous steps.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: The Board determined that no statewide adverse impacts to California businesses result from the adoption of this proposed regulatory language. The proposed regulations will have no cost impact on businesses beyond the cost associated with the request for exemption, and no existing businesses in California will be expanded or eliminated.

Significant effect on housing costs: The Board has determined that the adoption of these regulations will have no significant effect on housing costs.

Effects on small businesses: The proposed regulations will only affect small businesses which request a determination of exemption and would conceivably

DRAFT

result in modest cost savings to those who file a request due to the elimination of superfluous steps by outlining the determination of exemption process.

Creation or elimination of jobs within California: The Board does not anticipate the proposed regulations would create or eliminate jobs within California.

Creation of new businesses or the elimination of existing businesses within California: The Board does not anticipate the proposed regulations would create new businesses or eliminate existing businesses.

Expansion of businesses currently doing business within California: The Board does not anticipate the proposed regulations would lead to the expansion of businesses currently doing business within California.

Ability of businesses to compete with businesses in other states. The Board does not anticipate the proposed regulations would affect the ability of businesses in California to compete with businesses in other states.

Benefits to the health and welfare of California residents, worker safety, and the state's environment: The Board does not anticipate the proposed regulations would negatively impact the health and welfare of California residents, worker safety, and the state's environment. A structured procedure for a determination of exemption will ensure the Board gives due diligence to every request for a determination of exemption and will sufficiently evaluate each request to ensure an exemption is appropriate and the surface mining operation will not have a negative impact to the health and welfare of California residents, worker safety, and the state's environment.

DOCUMENTS RELIED UPON

The Board relied upon the following documents in proposing this rulemaking:

- The Economic Impact Analysis for the proposed regulations.
- Economic Impact Analysis Spreadsheets for estimated costs.
- State Mining and Geology Board (2021, December 16). *15B. Historical Board Information for PRC 2714(f*). Department of Conservation.
- State Mining and Geology Board (2022, August 18). *Pre-Rulemaking Workshop Proposed Regulatory Text for PRC 2714(f)*. Department of Conservation.

DRAFT

- State Mining and Geology Board (1996). *Mining Ordinance Guidance Document*. [Link]
- State Mining and Geology Board (2025, October 10). *Notice of Decision not to Proceed concerning PRC § 2714(f) Exemption Regulations.* Department of Conservation.
- State Mining and Geology Board (2026, September 17). *Regular Business Meeting Staff Report, Agenda Item 12A. Review of responses to public comments and approval of updated regulatory text for the SMARA 2714(f) exemption regulations* (pgs. 3-4). Department of Conservation.
- State Mining and Geology Board (2026, November 19). *September 17, 2026 Regular Business Meeting Conformed Minutes* (pgs. 5-6). Department of Conservation.
- State Mining and Geology Board (2026, November 19). *Regular Business Meeting, Agenda Item 12A Consideration and approval of the updated rulemaking package describing the Board's administrative procedures for determining an exemption from the Surface Mining and Reclamation Act of 1975 pursuant to Public Resource Code Section 2714(f)*. Department of Conservation.

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Public Resources Code Section 2714(f) Exemption Regulations
Economic Impact Assessment (EIA)

1. Summary of Economic Impact Assessment

The Public Resources Code 2714(f) Exemption draft regulations would have a negligible economic impact on California's mining industry and no noticeable consequences to the state economy. The economic impact is summarized as follows:

- Total direct costs to project proponents would be an estimated range of $78,158 to $188,670 in both the first year after the proposed regulations were effective ("Year 1") and in the second year ("Year 2"). This analysis is explained in Section 3.

- Total fiscal costs to California would be $21,627 in both Years 1 and 2. This analysis is explained in Section 4.

- Total costs aggregating both direct and fiscal costs would be an estimated range from $99,785 to $210,297 in both Years 1 and 2. Given California's Gross State Product (GSP) of over $4 trillion, this impact is negligible to California's economy.[1]

- The proposed regulations would not have significant economic impacts on individuals, the creation or elimination of jobs in the state, the creation or elimination of businesses, the expansion of businesses, small businesses as defined by California Government Code § 11346.3, or state and local governments in California.

- Although not quantified, the proposed regulations could increase efficiency of the exemption process which would lead to reduced costs for project proponents, lead agencies, and the State Mining and Geology Board (Board). Any benefits associated with the regulations would not significantly impact the health and welfare of California residents, worker safety, and the state's environment.

[1] State of California Department of Finance, "Gross State Product," https://dof.ca.gov/forecasting/economics/economic-indicators/gross-state-product/

2. 2714(f) Exemption in California

Established in 1885, the Board serves as a regulatory, policy, and hearing body representing the state's interests 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.

The Surface Mining and Reclamation Act of 1975 [Public Resources Code (PRC) section 2710 et seq., (SMARA)] was enacted into law to create and maintain an effective and comprehensive surface mining and reclamation policy in California. SMARA Lead Agencies, comprised of cities, counties, the San Francisco Bay Conservation and Development Commission, and the Board, have the principal responsibility to implement and administer SMARA within their respective jurisdictions.

SMARA provides that Surface Mining Operations shall not be conducted "unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency" [PRC section 2770(a)].

SMARA requires at least one public hearing for the approval of a mining permit, Reclamation Plan, and financial assurances pursuant to PRC section 2774(a). Prior to or at the time of approval, the lead agency must also comply with the California Environmental Quality Act (CEQA). Lead agencies often combine the approval of a mining permit and applicable CEQA documents with the approval of a Reclamation Plan and/or related approvals.

The subsections of PRC section 2714 list activities that are considered exempt from the requirements of SMARA. The majority of the listed exemptions under PRC section 2714 describe projects or activities that include mining as a component of the activity or project. For example, some exemptions identify certain excavations, grading, or other earthmoving activities that might appear to be mining, such as excavations or grading associated with farming [PRC § 2714(a)] or excavations or grading to obtain materials for roadbed construction and maintenance for timber operations [PRC § 2714(k)(1)]. Others outright exempt traditional surface mining operations under a certain size [PRC §

2714(d)] or the mining of a particular mineral such as salt or other minerals from sea or bay water [PRC § 2714(g)].

As extensive as the list of exemptions under PRC section 2714 might be, generating a list of every situation involving surface mining operations that might best be exempt from SMARA is problematic. In those cases, including where surface mining operations are conducted as a component of an activity, like construction or restoration projects not covered by any exemption, the PRC 2714(f) exemption allows the Board to fill the gap and exempt "any other Surface Mining Operations that the Board determines to be of an infrequent nature and that involve only minor surface disturbances". A survey of every exemption request submitted to the Board since 2008 demonstrates the range of projects without an express exemption that included surface mining as a component of the activity. PRC section 2714(f) provides the Board the authority to exempt the mining component of the project or activity, especially in cases where the primary or underlying purpose of the project is not a traditional commercial surface mining operation.

Currently, no statutory or regulatory process for seeking an exemption from the Board under PRC section 2714(f) exists. This leaves an applicant with little choice but to contact Board staff to determine what the exemption process entails. Currently, Board staff decide on a case-by-case basis, considering the content of the application, including the amount and type of information required, the time it will take for Board staff to process the application, if a hearing is required, when and how the hearing will be conducted, and when the applicant can expect to receive a decision from the Board.

The lack of procedures and instructions describing the exemption request process results in, among other things; (1) a longer process, (2) increased costs to the applicant, (3) a lack of transparency for applicants and the public, (4) an increased requirement of Board resources, (5) potentially disparate exemption outcomes or decisions, (6) potential reduced protections to the environment, (7) and an overall lack of fairness, perceived or otherwise.

The process for submitting an application for exemption from SMARA under PRC section 2714(f) is currently unstandardized, which can create confusion for operators and lead agencies about what is needed for the Board to make a determination, thereby lengthening the process. The intent of this rulemaking is

to standardize the exemption application process by clearly stating the criteria required for each request for exemption and ensuring that each request receives a diligent, objective, and comprehensive evaluation by the Board before any determination.

3. Direct Costs of Proposed Regulations for Project Proponents

The standardization of the exemption application process has various economic costs, including those directly borne by project proponents, and fiscal costs to State government agencies. The analysis has segmented the total costs into two sections indicating how they will be distributed; Section 3 will cover costs pertaining to project proponents (economic) and Section 4 will cover costs to lead agencies and the state (fiscal).

The analysis calculated costs with the assumption that an exemption application will occur only once each year. Since 2014, exemptions have been requested less than once each year. Since exemptions have been granted in the past, it is plausible that project proponents already abide by some of the requirements outlined in the proposed regulations. However, the analysis has proceeded with the assumption that the standardization of exemptions has created a formal list of action steps that all project proponents must adhere to going forward. Therefore, the analysis acknowledges that estimates may be inflated depending upon the information previously prepared by project proponents.

The analysis has identified five regulation sections as being economically significant for project proponents and estimated the total direct costs for each section in Table 1. These sections detail the requirements that will be imposed by the regulations and the costs associated with each element. It is worth noting that costs in Years 1 and 2 are identical. Therefore, it is implied that any costs referenced in this document apply to both years. Lastly, the total direct costs are displayed in a range of a lower and upper bound format. The analysis proceeded with this methodology to mitigate the uncertainty of particular cost elements.

The analysis was conducted based on estimates provided in September of 2023. At the time of this writing in 2026, the original assumptions and estimates made are still relevant within the surface mining industry in California. Therefore, all

private industry quotes and wages were adjusted for inflation. The analysis utilized the latest available April 2026 Consumer Price Index (CPI) for all Urban Consumers in California.[2] The CPI for all Urban Consumers was chosen instead of a more industry specific index such as a Producer Price Index because the costs of the regulations are largely administrative and would not directly impact supply chains, for example.

All private industry wages throughout the EIA were estimated by either Board staff or consultants within the industry. These wages have been adjusted for inflation to reflect the most current $USD at the time of this writing in 2026. Wages for Board staff were estimated using data from the California Department of Human Resources (CalHR) and then utilized an internal fiscal guide to account for the total employee compensation including benefits, equipment, and operating expenses. All wage estimates throughout the EIA are updated to reflect the most current wages in the industry.

DRAFT

[2] These data were obtained from the Department of Finance (DOF): https://dof.ca.gov/forecasting/economics/economic-indicators/inflation/

CPI data in California is published bimonthly, and data are not available for September 2023. Therefore, the preceding month of August 2023 was chosen as the reference point. This is a minute detail but worth clarifying.

Table 1- Total Direct Costs by Proposed Regulation Section

Section		Year 1	Year 2
4051	Pre-submittal Consultation.	$1,092-$2,184	$1,092-$2,184
4054	Filing a Request for a Determination of Exemption.	$24,451-$72,063	$24,451-$72,063
4055	Initial Review of a Request for a Determination of Exemption.	$2,184-$4,368	$2,184-$4,368
4057	Public Hearing for Exemption Determination.	$11,352-$15,720	$11,352-$15,720
4060	Effect of a Determination of Exemption	$39,079-$94,335	$39,079-$94,335
	Total	$78,158-188,670	$78,158-188,670

3.1. Pre-submittal Consultation, Proposed Section 4051.

Proposed section 4051 requires the project proponent to participate in a pre-submittal consultation prior to submitting the exemption application. The pre-submittal consultation consists of three components. The first would be the Board professional staff time needed to prepare for the consultation. The second would be the staff time for the lead agency to coordinate with the Board. The first and second cost components are fiscal costs and will be discussed in Section 4. Lastly, the third component would be the submission of the request which would take approximately four to eight hours by the project manager. Direct costs to the project proponents for section 4051 therefore amount to $1,092 and $2,184 for lower and upper bound estimates.[3]

3.2. Filing a Request for a Determination of Exemption, Proposed Section 4054.

Proposed section 4054 requires the project proponent to submit information to the Board in order to be considered for an exemption. The collection, aggregation, and verification of this information has various associated economic costs.

[3] Lower bound: (4 hours x $273 Project Proponent hourly wage) = $1,092
Upper bound: (8 hours x $273 Project Proponent hourly wage) = $2,184

The analysis uses estimations from multiple consultants within the industry to calculate the direct costs for the project proponent. The consultants identified several professions within the organization that would be responsible for obtaining the necessary information; the hourly wage rate for each of these professions was estimated by the consultants and will be used throughout the EIA.

Administrative staff for the project proponent would spend six hours collecting the name, address, telephone number, and email address of the applicant, property owner, mineral rights owner, lessee, and SMARA lead agency with jurisdiction. Administrative staff would then spend two hours compiling legal descriptions of such property comprising the Surface Mining Operation-which would require a Title Report from a Title Company ranging from $546 to $2,730. Lastly, the administrative staff would spend two hours documenting the time frame planned for the proposed Surface Mining Operations and attesting to the true and accurate nature of the materials and information required by this proposed regulation section. Therefore, accounting for the title report and an estimated hourly wage for administrative staff of $136, the lower bound estimate is $1,906 and the upper bound estimate is $4,090.[4]

Proposed regulation section 4054 would also require services from a project manager. The project manager would spend an hour on a map indicating the location and boundary limits of the Surface Mining Operation. The project manager would also spend eight hours assisting with the engineered grading plans. With an hourly wage of $273, the direct costs for the project manager relating to proposed section 4054 would be $2,457 for both the lower and upper bound estimate.[5]

The graphics information system (GIS) department of the project proponent would be responsible for several tasks related to section 4054. For example, GIS staff would spend two to four hours on three separate items of information:

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[4] The number of hours worked by the administrative staff member is 10 for both the lower and upper bound estimates.

Lower bound: (10 hours x $136 admin hourly wage) + $546 cost of title report = $1,906
Upper bound: (10 hours x $136 admin hourly wage) + $2,730 cost of title report = $4,090

[5] The number of hours worked by the project manager is 9 for both the lower and upper bound estimates.
Lower and Upper bound: (9 hours x $273 project manager hourly wage) = $2,457

collecting identification information for each mining operation within 60 miles of the proposed operation, collecting identification information of the owner of properties contiguous to the surface mining operation, and work on a map indicating the boundaries and limits of the operation. In addition to spending two to four hours on each of those tasks, GIS staff would spend 40 hours on the engineered grading plans. With an hourly wage of $164, the direct costs associated with GIS staff would be a lower bound estimate of $7,544 and upper bound estimate of $8,528.[6]

A planner would be required to work on three cost elements associated with proposed section 4054. Each of these cost elements would take the planner two to four hours to complete. The first would be to review the documentation prepared for the Surface Mining Operation. Secondly, the planner would prepare a statement regarding the current status of the permits associated with the Surface Mining Operations. Lastly, the planner would gather and provide the lead agency staff reports concerning the approval or impacts of the Surface Mining Operation. With an hourly wage of $218, the direct costs associated with a planner would be a lower bound estimate of $1,308 and upper bound estimate of $2,616.[7]

Proposed regulation section 4054 would require work from engineers. Grading plans showing the current topography and proposed final elevations of mined lands would require 24 hours of a Mine Engineer with an hourly wage of $218. An estimated $5,460 would be required for an engineer to review and stamp the grading plans. So, the total estimated costs associated with engineers for proposed section 4054 would be $10,692.[8]

Proposed section 4054 requires the project proponent to approximate the volume of four quantifiable amounts of material pertaining to the Surface Mining Operation. Given the uncertainty of the materials for each potential surface mining project, the analysis provides an estimated range of $136 to $10,920 for each of the four cost elements. For these calculations, the project proponent

[6] Lower bound: (46 hours x $164 GIS staff hourly wage) = $7,544
Upper bound: (52 hours x $164 GIS staff hourly wage) = $8,528
[7] Lower bound: (6 hours x $218 Planner hourly wage) = $1,308
Upper bound: (12 hours x $218 Planner hourly wage) = $2,616
[8] Lower and Upper bound: (24 hours x $218 Mine Engineer hourly wage) + $5,460 cost for engineer to review and stamp = $10,692

would need to approximate the volume and the nature and type of material to be removed, the volume of the topsoil proposed to be disturbed, the volume of the overburden proposed to be disturbed, and the volume of residual mining waste proposed to remain onsite. Aggregating these costs of approximations for the four cost elements would amount to a lower bound estimate of $544 and an upper bound estimate of $43,680.[9] The analysis determined it was necessary to have such a large discrepancy in the range of estimates to account for the uncertainty of the details of such approximations.

Therefore, the sum of all lower and upper bound direct cost estimates associated with proposed section 4054 is $24,451 and $72,063 respectively.[10]

3.3. Initial Review of a Request for a Determination of Exemption, Proposed Section 4055.

Proposed section 4054 outlines the requirements for the Board and the project proponent to initially review an exemption request which requires costs for the project proponent and fiscal costs that will be discussed in Section 4. The project proponent will respond to the Board's initial review after the determination has been made. It is estimated that the project manager would spend 8 to 16 hours to respond. As previously mentioned, their hourly wage is $273. Therefore, the economic costs associated with section 4055 for project proponents are a lower bound of $2,184 and an upper bound of $4,368.[11]

3.4. Public Hearing for Exemption Determination, Proposed Section 4057.

For any exemption to be determined, proposed regulation section 4057 would require a public hearing be held by the Board within 90 days of the Executive Officer's determination that the Surface Mining Operation is eligible for exemption under the regulatory scheme and SMARA. Public hearing costs would be incurred once per exemption. As a request for a determination of exemption is only expected to occur once per year, the public hearing costs

[9] Lower bound: ($136 x 4 volume approximations) = $544
Upper bound: ($10,920 x 4 volume approximations) = $43,680
[10] Lower bound: ($1,906 + $2,457 + $7,544 + $1,308 + $10,692 + $544) = $24,451
Upper bound: ($4,090 + $2,457 + $8,528 + $2,616 + $10,692 + $43,680) = $72,063
[11] Lower bound: (8 hours x $273 Project Manager hourly wage) = $2,184
Upper bound: (16 hours x $273 Project Manager hourly wage) = $4,368

would be incurred once in Year 1 and once in Year 2. These hearings would be held in the Board's offices in the County of Sacramento.

Project proponents would incur various costs as a result of the public hearing. For example, it is estimated that a project manager would spend anywhere from 24 to 40 hours preparing for the public hearing, attending it, and then following up. It is assumed that travel expenses such as transportation, lodging, and food would be included in the lower and upper bound estimates of $6,552 and $10,920 respectively. GIS and administrative staff would also contribute 16 hours each for the public hearing. With their hourly wage of $163 for GIS staff and $136 for administrative staff, direct costs from these components would be $2,608 and $2,176 respectively. Therefore, adding up the costs from the project manager, GIS staff, and administrative staff, the lower bound estimate is $11,352 and the upper bound estimate is $15,720.[12]

3.5. Effect of a Determination of Exemption, Proposed Section 4060.

Proposed section 4060 states the process an applicant must abide by if there is any future modification to the Surface Mining Operation after the initial exemption has been approved. This is the most expensive section because it requires project proponents to resubmit all of their documentation updated for the modifications, incurring the costs a second time. Although unlikely, it is possible that the Board may determine that the modifications are inconsistent with the exemption as approved and require the project proponent to resubmit for the exemption. Board staff determined that there is a five percent chance of this occurring and if it does, the applicant must restart the application process. This analysis takes a conservative approach and uses the sum of all other proposed regulation sections for project proponents of $39,079 for the lower bound estimate and $94,335 for the upper bound estimate.[13] The analysis acknowledges that this estimate may be overinflating the costs to project

[12] Lower bound: (24 hours x $273 Project Manager hourly wage) + (16 hours x $164 GIS staff hourly wage) + (16 hours x $136 Admin hourly wage) = $11,352
Upper bound: (40 hours x $273 Project Manager hourly wage) + (16 hours x $164 GIS staff hourly wage) + (16 hours x $136 Admin hourly wage) = $15,720

[13] The $39,079 and $94,335 figures come from the aggregated lower and upper bound estimates from sections 4051, 4054, 4055, and 4057. These numbers can be seen in Table 1.

Lower bound: ($1,092 + $24,451 + $2,184 + $11,352) = $39,079
Upper bound: ($2,184 + $72,063 + $4,368 + $15,720) = $94,335

proponents because it is assuming a full cost of an element that only has a five percent chance of occurring. However, this assumption was determined to best account for the uncertainty of driving factors that may result in higher costs.

Therefore, the sum of all lower bound estimates in Section 3 is $78,158 and the sum of all upper bound estimates is $188,670.[14]

4. Fiscal impact of proposed regulations

The following sections highlight the fiscal impact of the proposed regulations. Of the estimated range of $99,785 to $210,297 total of the entire regulations, $21,627 is associated with fiscal costs. The breakdown of fiscal costs for each regulation section can be seen in Table 2.

Table 2- Total Fiscal Costs by Proposed Regulation Section

Section		YEAR 1	YEAR 2
4051	Pre-submittal Consultation.	$1,840	$1,840
4055	Initial Review of a Request for a Determination of Exemption.	$2,284	$2,284
4056	Administrative Record.	$3,109	$3,109
4059	Notification of Board Determination.	$1,269	$1,269
4060	Effect of a Determination of Exemption.	$13,125	$13,125
	Total	**$21,627**	**$21,627**

4.1. Pre-submittal Consultation, Proposed Section 4051.

Direct costs to project proponents were discussed in Section 3.1. However, there are also fiscal costs associated with proposed section 4051. For example, the Board would need to prepare for the consultation on an exemption. This would take four hours of scheduling and meetings by the Board Executive Officer, Senior Engineering Geologist, and Engineering Geologist. Considering the hourly

[14] Lower bound: ($1,092 + $24,451 + $2,184 + $11,352 + $39,079) = $78,158
Upper bound: ($2,184 + $72,063 + $4,368 + $15,720 + $94,335) = $188,670

wages of each of these positions, fiscal costs amount to $1,420. Also, proposed section 4051 would require four hours of consulting with the Board for a lead agency planner and a staff planner. The analysis estimates the hourly wage to be $63 and $42 for a lead agency planner and staff planner respectively.[15] Therefore, total fiscal costs for section 4051 amount to $1,840.[16]

4.2. Initial Review of a Request for a Determination of Exemption, Proposed Section 4055.

Proposed section 4055 requires the Board to determine if the exemption request is complete within 30 days of receipt of the filing. The Board's determination would take eight hours of review by the Senior Engineering Geologist and Engineering Geologist, and four hours by the Executive Officer. Multiplying the number of hours of review by each of the position's hourly rate, the costs of the determination are $2,284.[17]

4.3. Administrative Record, Proposed Section 4056.

Proposed section 4056 specifies the documentation, known as the Administrative Record, that must be created and maintained by the Board to document the exemption request and processing of the exemption. One of these specifications would require the Board to prepare a staff report for each exemption processed. The staff report would take eight hours of work by the Senior Engineering Geologist and the Engineering Geologist, one hour of review by the Executive Officer, and four hours of review by the Board's attorney.[18]

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[15] Hourly wage estimates for the lead agency planner and the staff planner are from Occupational Employment and Wage Statistics (OEWS). https://www.bls.gov/oes/current/oes193051.htm. There was no distinction between the lead agency planner and staff planner by the OEWS, so the analysis uses the median hourly wage rates for the staff planner and the hourly wage rate in the 90th percentile for the lead agency planner.

[16] ($139 Executive Officer hourly wage + $123 Senior Engineering Geologist hourly wage + $93 Engineering Geologist hourly wage + $63 Lead agency hourly wage + $42 Staff planner hourly wage) x (4 hours by each position) = $1,840

[17] (($123 Senior Engineering Geologist hourly wage + $93 Engineering Geologist hourly wage) x 8 hours) + ($139 Executive Officer hourly wage x 4 hours) = $2,284

[18] All estimates about hours of work dedicated to each regulation section throughout the fiscal cost section have been determined by Board professional staff.

In addition to the preparation of the staff report, the Board staff would hold an exemption request hearing which would take two hours for the Senior Engineering Geologist, Engineering Geologist, and Executive Officer.

Hourly wage rates for Board staff and attorney were determined by the State of California's Civil Service and Exempt Pay Scales.[19] The analysis calculated a midpoint between the minimum and maximum values for each position and accounted for wages, employee benefits, and other operating expenses in order to determine the hourly wage; these estimates will be utilized throughout the document.

The estimated hourly wage is $139 for the Executive Officer, $123 for the Senior Engineering Geologist, $93 for the Engineering Geologist, and $133 for the attorney. Therefore, after multiplying the hourly wage rate for each position by the number of hours required to review the staff report, the total fiscal costs associated with section 4056 are $3,109.[20]

4.4. Notification of Board Determination, Proposed Section 4059.

Proposed section 4059 requires the Board's Executive Officer to notify the applicant and the lead agency by certified mail of the determination regarding the exemption request within 10 days of the public hearing. The preparation to inform the applicant and the lead agency would take the Executive Officer one hour, the Senior Engineering Geologist and Engineering Geologist four hours of work each, and an attorney two hours. Therefore, with an estimated hourly wage of $139 for the Executive Officer, $123 for the Senior Engineering Geologist, $93 for the Engineering Geologist, and $133 for the attorney, the total costs for this regulation section are $1,269.[21]

[19] https://www.calhr.ca.gov/wp-content/uploads/sites/361/2026/08/PayScaleExemptSCO.pdf https://www.calhr.ca.gov/wp-content/uploads/sites/361/2026/09/PS_Sec_15.pdf

[20] (8 hours x ($123 Senior Engineering Geologist hourly wage + $93 Engineering Geologist hourly wage)) + (1 hour x $139 Executive Officer hourly wage) + (4 hours x $133 Attorney wage) + (2 hours at hearing x ($139 Executive Officer hourly wage + $123 Senior Engineering Geologist hourly wage + $93 Engineering Geologist hourly wage)) = $3,109

[21] (4 hours x ($123 Senior Engineering Geologist hourly wage + $93 Engineering Geologist hourly wage)) + (1 hour x $139 Executive Officer hourly wage) + (2 hours x $133 Attorney wage) = $1,269

4.5. Effect of a Determination of Exemption, Proposed Section 4060.

Proposed section 4060 states the process an applicant must follow if there is any future modification to the surface mining operation. The Board staff may also conduct an inspection of the Surface Mining Operations and must notify the operator and the lead agency at least five days prior. The event of an inspection is unlikely, and the Board staff determined that there is a 10 percent chance of it occurring. Similar to the cost calculation in Section 3.5, the analysis acknowledges the 10 percent likelihood but proceeds assuming the full cost will be absorbed.

If the Board staff conducts an inspection, it will conservatively require sixteen hours to inspect the site by both the Senior Engineering Geologist and Engineering Geologist. In addition to wages, the cost of travel from Sacramento must be accounted for. Because the Board staff may travel to anywhere in the state, the analysis used a methodology of identifying three major airports in California in terms of passenger traffic[22]: San Francisco (SFO), Los Angeles (LAX), and San Diego (SAN). While this approach acknowledges that the Board staff would not be traveling to these airports, it serves as an appropriate proxy to cover California's vast distances. This approach is conservative from an economic perspective as LAX and SAN are significant geographic distances from Sacramento. However, this method was determined to best mitigate the uncertainty of the locations that the Board staff would travel to. The travel costs are displayed in Table 3.

Table 3 – Estimated Travel Costs for Surface Mining Inspection under Proposed Section 4060

	Round Trip Vehicle (Miles)[23]	Private Car Costs ($0.76 per mile)
SMF-SFO	206	$157
SMF-LAX	798	$606
SMF-SAN	1,030	$783

[22] "Visit California" provides data on the busiest airports in California in terms of Airport Passenger Traffic. https://industry.visitcalifornia.com/research/passenger-traffic?a1=LAX&a2=SAN. Accessed 9/21/26.
[23] Driving distances were estimated from airmilescalculator.com, https://www.airmilescalculator.com. Accessed 8/18/23.

Another assumption that the analysis uses is that a privately owned automobile is authorized which has a cost rate of $0.76 per mile.[24] Calculating the average of the potential distances traveled, the analysis estimated the travel costs to be $515.[25] Also, lodging costs would be necessary for the two Board staff members. For this estimate, the analysis uses the median figure of $208 which incorporates the reimbursement rates for all counties in California.[26] The analysis uses maximum reimbursement allowance per day provided by CalHR to quantify the meals and incidental expenses-this figure is $59. Therefore, considering the two-day trip, the sum of all costs associated with the inspection would be $4,623.[27]

As mentioned in Section 3, there is a five percent chance that the Board staff may determine that the modifications are inconsistent with the submitted documents under California Code of Regulations-this would prompt the project proponent to apply again. The analysis utilizes the same approach as in Section 3.5 and uses the sum of all previous fiscal costs of $8,502[28].

Therefore, the aggregated total fiscal costs for proposed section 4060 are $13,125.[29]

5. Benefits of the Proposed Regulations

The quantification of benefits associated with the proposed regulations is beyond the scope of this Economic Impact Assessment. However, there are many qualitative benefits. The standardization of the exemption process addresses issues of inconsistency which fosters a fair and impartial procedure for all future applicants. Also, because of the pre-submittal process, the Board is able to ensure that they are only reviewing Surface Mining Operations that would need an exemption under SMARA. Currently, the Board occasionally receives exemption requests for construction or agricultural projects that may

[24] According to the GSA as of July 1, 2026, cost rates per mile for a privately owned automobile is $0.76. https://www.gsa.gov/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement

[25] Average of the "Private Car Costs" column: ($157 + $606 + $783) / 3 = $515

[26] https://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx

[27] (16 hours x ($123 Senior Engineering Geologist hourly wage + $93 Engineering Geologist hourly wage)) + ($515 round trip cost) + (2 staff members x ($208 lodging rate + $118 two-day meal per diem)) = $4,623

[28] The $8,502 figure comes from the aggregated fiscal totals from sections 4051, 4055, 4056, and 4059. These numbers can be seen in Table 2.

[29] ($4,623 + $8,502) = $13,125

have components that appear to be mining, but do not meet the definition of Surface Mining Operations under SMARA Section 2735. The pre-submittal process allows the Board to effectively screen out projects that are not Surface Mining Operations which conserves resources for both the Board and the agencies of these various industries seeking an exemption unnecessarily.

Additionally, the proposed regulations could, in theory, lead to reduced costs for operators, lead agencies, and the Board, as they would prevent superfluous actions, prevent unnecessary documents from being printed and/or submitted, and reduce the amount of correspondence needed between the Board and an applicant. Because of the unstandardized nature of the current exemption process, it is difficult to explicitly measure the potential reduced costs, but a standardized procedure that is publicly available should result in a more efficient process.

The thoroughness of the standardization would also provide the Board with better data and information to improve decision making. Lastly, the Public Hearing formally provides the public with an opportunity to voice their opinions in the exemption process. This could have many benefits for the communities in which the exemptions are taking place and it could also be beneficial for the Board's decision making to hear from multiple perspectives. The Public Hearing also provides the Board with a formal platform to ask the applicant questions which could potentially enlighten the decision-making process for an exemption.

6. Cost Impact in California

The Board estimates that the overall impact of the proposed regulations on California's economy would be negligible. The total direct and fiscal costs associated with the proposed regulations are a lower bound estimate of $99,785 and upper bound of $210,297. Therefore, the Board does not foresee the regulations significantly affecting the economy on either a macro or micro scale.

The Board projects that all additional work created by the regulations would be absorbed by positions already employed. So, it is assumed that no new jobs will be created or eliminated within the State of California as a result of the regulations. Similarly, the regulations would not expand businesses, create new

businesses or eliminate existing businesses within California. Although the State and local agencies would bear the burden of costs ranging from $99,785 to $210,297, the standardization of the exemption process is expected to provide many benefits as discussed in the previous section.

7. Conclusion

The standardization of the exemption process would have a miniscule impact on California's economy of $99,785 to $210,297. Given this range of estimates, the Board forecasts that the proposed regulations would not have significant fiscal impacts on individuals, businesses, or the government. The proposed regulations promote a more efficient method for the Board to grant applicant exemptions and provide various other benefits to the State of California.

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Agenda Item No. 12B

November 19th, 2026

Election of the Board's Vice-Chair

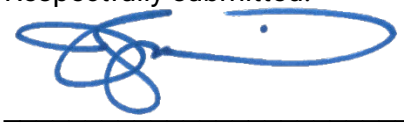
INTRODUCTION:

Pursuant to Public Resource Code (PRC) 669, which states, "the board shall annually elect a vice chair from among its members," the State Mining and Geology Board will nominate and elect a vice chair that will succeed this position currently held by Member George Kenline. This appointment will be effective immediately following the conclusion of the November 19, 2026, regular board meeting.

SUGGESTED MOTION:

Board Chair and Members, pursuant to PRC 669, I move that the Board nominate and elect a vice-chair of the State Mining and Geology Board.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

Agenda Item No. 12C

November 19th, 2026

Consideration and Approval of the 2025 – 2026 Annual Report

INTRODUCTION:

The 2025 – 2026 *Annual Report of the State Mining and Geology Board* (Annual Report) is prepared for both the State Legislature and the Governor, as is provided for in statute pursuant to PRC Section 2717. Reporting periods follow the State's fiscal year calendar from July 1st of one year to June 30th of the following year.

This Annual Report summarizes activities and actions set forth by the SMGB during the 2025 – 2026 reporting period and also presents "legislative recommendations" where the SMGB believes improvements can be made for the future well-being of the State's people and wise use of its natural resources under the Surface Mining and Reclamation Act of 1975 (SMARA).

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 2025-2026 Annual Report and direct the Executive Officer to distribute the report to the Governor and legislature as appropriate.

Respectfully submitted:



_____

Jeffrey Schmidt,

Executive Officer

ATTACHMENTS:

1. 2025-2026 Annual Report

ATTACHMENT "1"

Honorable Members of the State Legislature and Governor Newsom,

The 2025 - 2026 Annual Report covers the reporting period from July 1st, 2025, through June 30th, 2026, and is submitted by the California State Mining and Geology Board to both the State Legislature and the Governor pursuant to *Public Resources Code section 2717*. This report serves as an overview of the Board, its statutory and regulatory mandates, its activities, and its legislative recommendations.

The Board believes that the regulation of the surface mining industry, the reclamation of mined lands, the dissemination of earthquake and seismic hazard information, and the prudent use of State's natural resources is an ongoing and essential process crucial to the economy, the infrastructure, and the people of the State of California.

Respectfully submitted on behalf of the State Mining and Geology Board,



Jeffrey Schmidt
Executive Officer
State Mining and Geology Board

State Mining and Geology Board



2025 - 2026 Annual Report

TABLE OF CONTENTS

State Mining and Geology Board 2
- The Board 2
- Mission Statement 2
- Membership 2
- Committees 3
- Staff 3
- History 3
- Key Stakeholders 3
- Board Meetings 4
- Statutory and Regulatory Authority 4
  - Surface Mining and Reclamation Act of 1975 (SMARA) 4
  - Alquist-Priolo Earthquake Fault Zoning Act (APA) 4
  - Seismic Hazards Mapping Act (SHMA) 4

Lead Agency Responsibilities 4
- Lead Agency Annual Surface Mine Inspections 7
- Lead Agency Annual Financial Assurance Reviews 7
- Enforcement 7
- Surface Mining Ordinances 8
- Annual Mine Fee Schedule 8

Alquist-Priolo Act Responsibilities 9

Seismic Hazard Zone Responsibilities 9

Mineral Conservation and Reclamation Responsibilities 9
- Classification and Designation Reports 10
- Mineral Resource Management Plans 10

Regulatory Responsibilities 10

Board Outreach 10

Additional Board Work 11

Legislative Recommendations 12

Addendum: Meeting Minutes Reference 13

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STATE MINING AND GEOLOGY BOARD

THE BOARD

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

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.

MEMBERSHIP

Pursuant to *Public Resources Code sections 660 and 662*, the Board is composed of nine members appointed by the Governor and confirmed by the State Senate for four-year staggered terms. Each Board member must have a specific professional background in one of the following:

- Geology
- Mining Engineering
- Environmental Protection
- Groundwater Hydrology and Rock Chemistry
- Local Government
- Landscape Architecture
- Mineral Resource Conservation
- Seismology
- Public Member

Board members during the reporting period.

SPECIALTY	MEMBER NAME
Non-specialized public member	Larry Sheingold, Chair
Landscape Architect	Stephanie Landregan
Mining Engineer with background and experience in mining in California	George Kenline, Vice-Chair
Environmental protection or the study of ecosystems	Eric Holst
Registered Geologist with background and experience in mining geology	Dyan Whyte
Mineral resource conservation, development, or utilization	Alan Driscoll
Registered Geologist, Geophysicist, or Civil Engineer with background and experience in seismology	Zia Zafir
Groundwater hydrology, water quality, or rock chemistry	Marc Los Huertos
Representative of local government with background and experience in urban planning	Fred Jung

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COMMITTEES

To enable the Board to meet its responsibilities more effectively, the following standing committees have been established to gather information and formulate recommendations on a variety of topics:

- Policy and Administration
- Geohazards
- Mineral Conservation
- Surface Mining and Reclamation Act Compliance
- Critical Minerals

STAFF

The day-to-day activities of the Board are managed by:

- Jeffrey Schmidt, Executive Officer
- Paul Fry, Senior Geologist
- Mallory Jones, Geologist
- Natalie Decio, Regulatory Analyst

HISTORY

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 and the Division of Mine Reclamation). It is the second oldest Board in California.

KEY STAKEHOLDERS

Key stakeholders include:

- City and County Lead Agencies with jurisdictions over zoning ordinances, building codes, and general plans
- Geological, geophysical, and engineering consulting community
- Environmental, land use, and conservation groups
- Teachers and educational and academic institutions
- Contractors and developers
- Surface mining industry
- Realtors, insurers, and homeowners
- Natural Resources Agency
- Department of Conservation
- California Geological Survey
- Division of Mine Reclamation
- Seismic Safety Commission
- Board for Professional Engineers, Land Surveyors and Geologists
- State Water Board and Regional Water Quality Control Boards
- Metropolitan Water District of Southern California
- Bay Conservation and Development Commission
- Board of Forestry
- State Legislature

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BOARD MEETINGS

Pursuant to *Public Resources Code Section 668,* the Board held regular business meetings or standing committee meetings six times during the reporting period. All meetings were held in a hybrid in-person/virtual format. Attendance at these meetings averaged around fifty participants. Among its activities, the Board received briefings from the Department of Conservation, the Division of Mine Reclamation, and the California Geological Survey. The Board also hosts a speaker series during our regular meetings that brings in members of the industry to present on various topics related to mining, mineral conservation, geohazards, the environment and redevelopment of formerly mined lands.

STATUTORY AND REGULATORY AUTHORITY

The Board operates 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 (SMARA)

Pursuant to *Public Resources Code sections 2710* and its regulations at *14 California Code of Regulations Section 3500*, the Board manages a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Surface Mining and Reclamation Act also encourages the production, conservation, and protection of the State's mineral resources.

Alquist-Priolo Earthquake Fault Zoning Act (APA)

Pursuant to *Public Resources Code sections 2621 through 2630* and its regulations at *14 California Code Regulations Section 3600*, 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 to comply with provisions of the Act to protect the health, safety, and welfare of the public.

Seismic Hazards Mapping Act (SHMA)

Pursuant to *Public Resources Code sections 2690 through 2699.6 and its regulations at 14 California Code of Regulations section 3720,* 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.

LEAD AGENCY RESPONSIBILITIES

The primary entity responsible for the Surface Mining and Reclamation Act administration, compliance, and enforcement, is the local lead agency, typically, the city or county where the surface mining is taking place. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the lead agency; therefore, the lead agency is responsible for assuring that all surface mine operations within its jurisdiction are in full compliance with these provisions. Specific duties of lead agencies which are charged with the primary administration and enforcement of the Surface Mining and Reclamation Act are to:

- Review and approve reclamation plans that meet the minimum requirements established by the Surface Mining and Reclamation Act and the Board’s reclamation performance standards for surface mines
- Approve financial assurances, subject to annual review, that are sufficient to pay for the

costs of reclamation of the lands disturbed by surface mining operations according to the requirements of the approved reclamation plan

- Approve local land use permits for surface mining operations
- Conduct an annual inspection of each surface mine to confirm that the operation complies with the requirements of the Surface Mining and Reclamation Act and its approved reclamation plan, and to remedy the situation if the operation is not in compliance
- Issue Administrative Penalties to operators who do not come into compliance
- Maintain a surface mining ordinance that is in accordance with the Surface Mining and Reclamation Act
- Incorporate mineral resource management plans into their general plans and conserve mineral lands "classified" or "designated" within the lead agency's jurisdiction

Should a lead agency fail to bring a surface mining operation into compliance, statute allows the Supervisor of the Division of Mine Reclamation to commence enforcement. The Surface Mining and Reclamation Act prescribes specific responsibilities and powers to the Supervisor. The Division is also responsible for providing technical reviews of reclamation plans and financial assurances to lead agencies to ensure that the requirements of the Surface Mining and Reclamation Act have been addressed in the reclamation plans prior to their formal approval by the lead agency.

Under the Surface Mining and Reclamation Act, the Board is provided authority to hear appeals of enforcement actions taken by the Supervisor against surface mine operators, as well as appeals of certain decisions made by a lead agency regarding reclamation plans and financial assurances. In addition, the Board is provided authority to exercise a lead agency's powers, in whole or in part with exception to local land use and other regulatory permitting, when a lead agency's actions are in violation of the statute, or if the lead agency defaults on its responsibilities and obligations. The Board also reviews lead agency ordinances that establish local permit and reclamation procedures to determine whether each ordinance is in accordance with State policy for reclamation of surface mining operations and for conservation of mineral resources.

The Surface Mining and Reclamation Act affects ninety-six jurisdictions comprised of forty-one cities and fifty-seven counties.

The Board served as the lead agency under the Surface Mining and Reclamation Act for forty-nine individual surface mining operations during the reporting period including:

- Twenty located within two counties (El Dorado County and Yuba County)
- Eight located within six cities (Richmond, Marina, Jurupa Valley, Desert Hot Springs, Palm Springs, and Santa Paula)
- Seven marine sand and oyster shell mining operations located within the jurisdiction of the San Francisco Bay Conservation and Development Commission
- Fourteen borrow pits located appurtenant to the Colorado River Aqueduct operated by the Metropolitan Water District of Southern California (Riverside County and San Bernardino County).

The following table lists the surface mines where the Board exercised lead agency authority:

SMGB SMARA LEAD AGENCY SURFACE MINES				
CA ID No.	**Mine Name**	**Status**	**Primary Commodity**	**Local Lead Agency**
91-07-0006	Richmond Quarry	Active	Recycled Aggregates	City of Richmond
91-09-0001	Bear Creek Quarry	Active	Aggregates	County of El Dorado
91-09-0002	Weber Creek Quarry	Closed – Reclamation in Progress	Aggregates	County of El Dorado
91-09-0003	Diamond Quarry	Active	Aggregates	County of El Dorado
91-09-0004	Chili Bar Slate Mine	Active	Slate	County of El Dorado
91-09-0005	Cool Cave Quarry	Active	Aggregates	County of El Dorado
91-09-0006	Timm Mine	Active	Gold	County of El Dorado
91-09-0009	Somerset Sand Pit	Active	Sand	County of El Dorado
91-09-0010	Lawyer Pit	Closed – Reclamation in Progress	Decomposed Granite	County of El Dorado
91-09-0012	Snows Road Quarry	Active	Sand and Gravel	County of El Dorado
91-09-0015	Marin Quarry	Active	Aggregates	County of El Dorado
91-27-0006	Lapis	Closed - Reclamation in Progress	Sand	City of Marina
91-33-0002	Avalon Mine	Closed - Reclamation in Progress	Aggregates	City of Jurupa Valley
91-33-0003	Super Creek Quarry	Active	Decorative Stone	City of Desert Hot Springs
91-33-0029	Philadelphia Mine	Closed – Reclamation in Progress	Recycled Aggregates	City of Jurupa Valley
91-33-0031	Garnet Pit	Active	Sand and Gravel	City of Palm Springs
91-33-0062	Pyrite Quarry	Active	Aggregates	City of Jurupa Valley
91-38-0001	Alcatraz, Point Knox	Active	Marine Sand	San Francisco Bay Conservation and Development Commission (BCDC)
91-38-0002	Point Knox Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0003	Point Knox South	Active	Marine Sand	San Francisco BCDC
91-38-0004	Alcatraz South Shoal	Active	Marine Sand	San Francisco BCDC
91-38-0005	Suisun Bay	Active	Marine Sand	San Francisco BCDC
91-38-0007	Suisun Bay Middleground	Active	Marine Sand	San Francisco BCDC
91-38-0011	Marine Oyster Shell	Active	Marine Oyster Shells	San Francisco BCDC
91-56-0034	Santa Paula Materials	Active	Sand and Gravel, Fill Dirt	City of Santa Paula

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SMGB SMARA LEAD AGENCY SURFACE MINES				
91-58-0001	Western Aggregates	Active	Sand and Gravel	County of Yuba
91-58-0002	Knife River Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0003	Cal Sierra Development	Active	Gold, Silver	County of Yuba
91-58-0004	Sperbeck Quarry	Idle	Aggregates	County of Yuba
91-58-0006	Teichert Hallwood	Active	Sand and Gravel	County of Yuba
91-58-0011	Dantoni Pit	Idle	Sand and Gravel	County of Yuba
91-58-0013	Parks Bar Quarry	Active	Aggregates	County of Yuba
91-58-0019	Teichert Marysville	Idle	Sand and Gravel	County of Yuba
91-58-0022	Long Bar Property	Active	Sand and Gravel	County of Yuba
91-58-0025	Simpson Lane	Idle	Sand	County of Yuba
91-70-0001	Metropolitan Water District (x14 borrow pits)	Active	Aggregates	Counties of Riverside and San Bernardino

Lead Agency Annual Surface Mine Inspections

Board staff conducted annual on-site inspections for each of the forty-nine surface mining operations under the Board's SMARA lead agency authority during the reporting period. Conditions observed during the annual inspection and documented in the surface mining inspection report by the Board inspector, are the basis to determine ongoing compliance with SMARA. The determination of compliance includes assessing the operations' physical and environmental conditions and general conformance relative to the approved reclamation plan and administrative compliance with SMARA. Board staff conduct inspections consistent with the "Guidance Document for Surface Mine Inspectors," dated January 2018 by the Department of Conservation's Division of Mine Reclamation.

Lead Agency Annual Financial Assurance Reviews

Financial assurance cost estimates are required of mining operations under the Board's SMARA lead agency authority to ensure funding is available to complete reclamation in accordance with the surface mining operation's approved reclamation plan. Board staff annually review each surface mining operations Financial Assurance Cost Estimate (FACE) to determine that they are adequate, complete, and consistent with SMARA. Board staff also ensure operators post a financial assurance mechanism equal to or greater than the FACE amount.

Enforcement

Pursuant to Public Resources Code sections *2270, 2770, 2773.1, 2774.1, 2774.2, 2774.5, 2775, 2796.5 and California Code of Regulations sections 3696.5, 3810, and 3940,* the Board may enforce the annual reporting requirements and other provisions of the Surface Mining and Reclamation Act.

Board staff proactively identified minor boundary issues at two operations. Board staff verified that each operator engaged professional land surveyors and resolved the encroachments in a

timely manner without the need to pursue further enforcement measures.

The Board issued a Notice of Violation (NOV) to the operator of the Pyrite Quarry (CA Mine ID 91-33-0062) on July 2, 2024, for conducting mining activities outside of the approved reclamation boundary. On December 8, 2025, the Board and the Operator agreed to terms and timelines to address the violations identified during 2023 and 2024 inspections and entered into a Stipulated Order to Comply (SOTC). The SOTC requires the operator to address the remaining SMARA violations within reasonable timeframes, as well as acknowledging that resolution of some issues is dependent on ongoing litigation between the property owner and the City of Jurupa Valley. Since the last annual report, the operator: (a) ceased all mining outside of the reclamation boundary, (b) submitted a topographic survey, (c) had a professional land surveyor identify all areas outside the reclamation boundary with Board staff, and (d) contacted affected property owners.

Additional formal enforcement notices or orders were not required, and no fines or penalties were assessed during the reporting period for the other forty-eight operations under the Board's lead agency jurisdiction.

Surface Mining Ordinances

Pursuant to *Public Resources Code section 2774.3*, the Board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with State policy and shall certify the ordinance as being in accordance with State policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the Board pursuant to this chapter.

The Board engaged with Calaveras, Humboldt, Mendocino, Merced, Plumas, San Bernardino, San Diego, and Shasta counties to update their respective local mining ordinances, advancing the Board's comprehensive statewide effort to bring local mining ordinances into state compliance.

Annual Mine Fee Schedule

Pursuant to *Public Resources Code (PRC) section 2207(d)(1)* the Board imposes an annual reporting fee on, and method for collecting annual fees from, each active and idle surface mining operation. *PRC section 2207(d)* also states that, starting in fiscal year 2020 – 2021, the maximum fee for any single mining operation may not exceed ten thousand dollars ($10,000) annually and may not be less that one hundred dollars ($100) annually. The maximum annual fees are adjusted for cost of living as measured by the California Consumer Price Index.

Pursuant to *PRC section 2207(d)(2)(A)* a schedule of fees shall be calculated on an equitable basis reflecting the size and type of the operation. *PRC section 2207* further states that the fee schedule must provide for the collection of the amount specified in the Governor's proposed Budget for the Department of Conservation's costs in implementing the section and the Surface Mining and Reclamation Act.

In addition, *PRC 2207(d) (3)* outlines the amount of revenue to be generated by the fee schedule. The total revenue generated by the reporting fees may not exceed and may be less than eight million dollars ($8,000,000). This amount shall be adjusted for the cost of living each fiscal year. Cost of living adjustments are addressed in *California Code of Regulations section 3698* and allow for increases to help maintain adequate funding for the Surface Mining and Reclamation Act programs within the Department. The cost-of-living adjustment, or rate of inflation, is measured by the consumer price index.

PRC Section 2207(d)(4)(A) also requires the reporting fee revenue be deposited in the Mine Reclamation Account for carrying out the provisions of the Surface Mining and Reclamation Act. These provisions include the classification and designation of areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance reviews, surface mine inspections, and enforcement.

The annual fee was adjusted during the reporting period and met the requirements above.

ALQUIST-PRIOLO ACT RESPONSIBILITIES

Pursuant to *Public Resources Code section 2622(b),* the State Geologist shall compile maps delineating earthquake fault zones. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

Alquist-Priolo maps released during the reporting period included:

- Sierra Madre Fault Zone in the Pasadena and Mt. Wilson 7.5-Minute Quadrangles, Los Angeles County
- San Gregorio Fault Zone in the Montara Mountain, Half Moon Bay, San Gregorio, La Honda, Pigeon Point, Franklin Point, and Point Ano Nuevo 7.5-Minute Quadrangles in San Mateo and Santa Cruz Counties.

SEISMIC HAZARD ZONE RESPONSIBILITIES

Pursuant to *Public Resources Code section 2696(a) and (b),* the State Geologist shall compile maps identifying seismic hazard zones, and upon completion, submit them to the Board for approval. Concerned jurisdictions and agencies are encouraged to submit all comments to the Board for review and consideration.

Seismic Hazard maps released during the reporting period included:

- Sacramento West and Sacramento East 7.5-Minute Quadrangles; Sacramento and Yolo Counties
- Byron Hot Springs 7.5-Minute Quadrangle, Contra Costa and Alameda Counties
- Sebastopol 7.5-Minute Quadrangle, Sonoma County.

MINERAL CONSERVATION AND RECLAMATION RESPONSIBILITIES

As California's population continues to grow, its communities face increasingly difficult land use decisions. The production of mineral resources necessary to support the expanding population must compete with other land uses such as agriculture, timber production, urban development, renewable energy, recreation, and conservation. The rapid growth of many communities and the incompatibility of mining with most other land uses often results in conflicts within those communities. Often, the mineral resource is needed for the very use which threatens it. For example, construction grade aggregate deposits, which are necessary for construction and repair of roads, housing, and commercial development, often are built over before the resource can be extracted.

To address this issue, the Surface Mining and Reclamation Act provides a method by which mineral lands may be "Classified" by the State Geologist and "Designated" by the Board. These Classification and Designation processes are methods by which an inventory of the State's most valuable mineral deposits are designated as significant resources for local communities to consider in their land-use decision making.

Classification and Designation Reports

Pursuant to *Public Resources Code section 2790*, after receipt of mineral information from the State Geologist pursuant to *section 2761 (d),* the Board may, by regulation adopted after a public hearing, designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries of the geographic areas.

There were no mineral land classification reports completed during the reporting period.

Mineral Resource Management Plans

Pursuant to *Public Resources Code section 2762*, a lead agency shall, in accordance with State policy, establish mineral resource management policies to be incorporated in its general plan to recognize mineral information classified by the State Geologist and transmitted by the Board, assist in the management of land use that affects access to areas of statewide and regional significance and emphasize the conservation and development of identified mineral deposits.

The Board reviewed Trinity County's General Plan Update and did not have any comments.

REGULATORY RESPONSIBILITIES

Pursuant to *Public Resources Code (PRC) section 2755,* the Board has statutory authority to adopt, amend, or repeal regulations that establish State policy for the reclamation of mined lands within California.

The Board worked on the following regulatory projects:

- Decision not to Proceed (Public Resources Code 2714(f)). The Board withdrew the rulemaking package to reevaluate the regulatory text in light of substantive public comments received during the 45-day comment period, with the intent to reopen the formal rulemaking process once revisions are completed.
- Adopted regulations that provide a description of the locations of mineral resource areas designated to be of regional significance within the Greater Sacramento Area Production-Consumption Region (GSA), El Dorado, Nevada, Placer, Sacramento, Solano, Sutter, Yolo and Yuba counties.
- Continued pre-rulemaking activities to update the Guidance for Classification and Designation of Mineral Resources.
- Started pre-rulemaking activities for the proposed regulations for the Board's designation of mineral lands in Merced County.
- Started pre-rulemaking activities for the proposed regulations for the Board's termination of some previously designated mineral lands in the Saugus-Newhall and San Fernando Valley Production Consumption Regions.

BOARD OUTREACH

During the reporting period, the Board and/or Board staff participated in the following public outreach programs:

- Board staff participated with the Division of Mine Reclamation to conduct a surface mine inspection workshop for lead agency mine inspectors. The training included educating participants about the Board and current reforms made to the Surface Mining and Reclamation Act.

- Board staff participated with the Division of Mine Reclamation in their "Coordinated Outreach to Lead Agencies". The project is designed to foster relationships between the Department and local SMARA lead agencies.
- Board Chair, Vice Chair, and Board staff toured the Mountain Pass Mine. The site is located in San Bernardino County and is North America's only rare earth element mine.
- Board staff conducted working meetings with the following counties to assist them in updating their local mining ordinances: Humboldt, Merced, Plumas, San Diego, and Shasta.
- The Board held a public hearing to receive comments on the Preliminary Review Maps of proposed Alquist-Priolo Earthquake Fault Zones and proposed Seismic Hazard Zones for the following:
    - Earthquake Fault Zones
        - Sierra Madre Fault Zone in the Pasadena and Mt. Wilson 7.5-Minute Quadrangles, Los Angeles County, California
        - San Gregorio Fault Zone in the Montara Mountain, Half Moon Bay, San Gregorio, La Honda, Pigeon Point, Franklin Point, and Point Ano Nuevo 7.5-Minute Quadrangles in San Mateo and Santa Cruz Counties, California.
    - Seismic Hazard Zones
        - Sacramento West and Sacramento East 7.5-Minute Quadrangles; Sacramento and Yolo Counties, California
        - Byron Hot Springs 7.5-Minute Quadrangle, Contra Costa and Alameda Counties, California
        - Sebastopol 7.5-Minute Quadrangle, Sonoma County, California

ADDITIONAL BOARD WORK

- The Board elected a new Vice-Chair.
- Board staff attended the BCDC Sand Studies Commissioner Working Group.
- The Board approved the initial draft definition of "Critical Minerals" and directed staff to initiate pre-rulemaking activities and update the SMARA Mineral Classification and Designation Guidelines.
- Board staff attended the California State Lands Commission Supplemental Environmental Impact Report Public Hearing for the BCDC sand mining operations.
- The Board withdrew the Public Resources Code 2714(f) rulemaking package to reevaluate the regulatory text in light of substantive public comments received during the 45-day comment period, with the intent to reopen the formal rulemaking process once revisions are completed.
- The Board approved a reclamation plan amendment for the Garnet Pit (CA Mine ID 91-33-0031) located in Palm Springs, California.
- Board Denial of Jurisdiction, Oro Cruz Exploration Project, Imperial County, Appeal of Denial of Reclamation Plan
- Board Chair Larry Sheingold and Member Stephanie Landregan were reappointed for another term.
- Board Chair Sheingold, Member Driscoll, and Board staff participated in the Department of Conservations Inter-Government Working Group regarding critical minerals and mining in California.

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LEGISLATIVE RECOMMENDATIONS

Pursuant to *Public Resources Code Section 2717*, the Board is required to report to the Governor and Legislature and, on an annual basis, offer legislative recommendations for consideration regarding the Surface Mining and Reclamation Act.

- Establish consequences and/or penalties for lead agencies that are subject to assumption of authority by the State due to inadequate regulatory oversight, as outlined in Public Resources Code (PRC) Section 2774.4(e).

- Establish strategies and incentives to encourage lead agencies to retain or regain their mine oversight responsibilities, thereby strengthening local accountability and regulatory consistency.

Rationale:
PRC Section 2774.4(e) allows the State to assume certain responsibilities from lead agencies that fail to adequately implement and enforce the Surface Mining and Reclamation Act (SMARA). However, the statute currently lacks specific penalties or consequences for lead agencies that are taken over due to inadequate regulatory oversight.

Establishing clear consequences and/or penalties would:

- Encourage greater accountability and diligence for lead agencies to fulfill their regulatory duties.
- Reinforce the importance of consistent and effective oversight of mining operations to protect public health, safety, and the environment.
- Strongly deter chronic noncompliance and promote proactive improvement in local program administration.
- Support the State's efforts to maintain a uniform and effective statewide regulatory framework under SMARA.

This recommendation aims to strengthen the integrity of the SMARA program by ensuring that lead agencies are held responsible for maintaining adequate oversight standards.

The Board will draft language and assist in the legislative process should the legislature decide to pursue this action.

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ADDENDUM: MEETING MINUTES REFERENCE

To provide additional context and a comprehensive view of the work conducted during the reporting year, we invite you to review the meeting minutes from this period. These documents offer detailed insights into discussions, decisions, and progress made throughout the year.

Access the meeting minutes here:
https://doc.box.com/s/5azdw3r4ypsco6mza4m1wlkvdptizji3

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Agenda Item No. 12D

November 19th, 2026

Consideration and Approval of the 2027 SMGB Meeting Schedule

INTRODUCTION

Adopt the 2027 meeting calendar.

BACKGROUND

Public Resources Code (PRC) Section 668 provides that the State Mining and Geology Board (SMGB) hold its meetings at such times and at such places as it shall determine. The SMGB is required to hold a minimum of six meetings annually, to be held in locations appropriate to the subject matter to be considered.

NOTICE DATES

Notice of regular business meetings, special meetings, and committee meetings are made pursuant to Government Code Section 11120 et seq., the Bagley-Keene Open Meetings Act, Government Code Section 11345.4, and the Administrative Procedures Act. Notices will be posted electronically on the SMGB's website and provided to all SMGB members, the Director of the Department of Conservation, the State Geologist, the Assistant Director of the Division of Mine Reclamation, and any other interested person, at least 10 days prior to each regular business meeting.

DISCUSSION

A meeting schedule for 2027, as presented, proposes twelve (12) regular SMGB meetings throughout the year. Approval of the SMGB's 2027 meeting calendar does not prohibit the SMGB from deferring and/or rescheduling certain meeting dates should circumstances warrant such action.

RECOMMENDATION

The Executive Officer recommends that the SMGB adopt a 12-meeting calendar for 2027 in order to provide the flexibility to defer scheduled meetings if feasible. The SMGB may approve meeting locations in advance with this proposed schedule or leave locations "open" until later dates.

SUGGESTED MOTION:

Board Chair and Members, in light of the information before the State Mining and Geology Board today, I move that the Board adopt the proposed Regular Business Meeting calendar for 2027.

Respectfully submitted:



Jeffrey Schmidt,
Executive Officer

ATTACHMENT:

1. Proposed 2027 SMGB Meeting Schedule

ATTACHMENT "1"

California
Department of Conservation
State Mining and Geology Board

State Mining and Geology Board
2027 Meeting Schedule

JANUARY 21, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: JANUARY 08, 2027
CLOSING DATE: JANUARY 15, 2027

FEBRUARY 18, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: FEBRUARY 05, 2027
CLOSING DATE: FEBRUARY 12, 2027

MARCH 18, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: MARCH 05, 2027
CLOSING DATE: MARCH 12, 2027

APRIL 15, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: APRIL 02, 2027
CLOSING DATE: APRIL 09, 2027

MAY 20, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: MAY 07, 2027
CLOSING DATE: MAY 14, 2027

JUNE 17, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: JUNE 04, 2027
CLOSING DATE: JUNE 11, 2027

JULY 15, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: JULY 02, 2027
CLOSING DATE: JULY 09, 2027

AUGUST 19, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: AUGUST 06, 2027
CLOSING DATE: AUGUST 13, 2027

SEPTEMBER 16, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: SEPTEMBER 03, 2027
CLOSING DATE: SEPTEMBER 10, 2027

OCTOBER 21, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: OCTOBER 08, 2027
CLOSING DATE: OCTOBER 15, 2027

NOVEMBER 18, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: NOVEMBER 05, 2027
CLOSING DATE: NOVEMBER 12, 2027

DECEMBER 16, 2027 — **REGULAR BUSINESS MEETING**
AGENDA PUBLICATION DATE: DECEMBER 03, 2027
CLOSING DATE: DECEMBER 10, 2027