



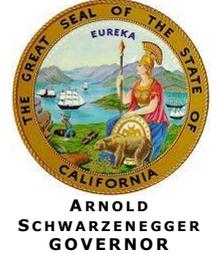
# STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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Publication Date: June 30, 2008

## CONFORMED MINUTES

### THE STATE MINING AND GEOLOGY BOARD

Will Conduct a Regular Business Meeting on:

Thursday, July 10, 2008

10:00 A. M.

(or immediately following the Minerals & Geologic Resources Committee Meeting)

**DRAFT**

Sainte Claire Hotel  
The Ballroom  
302 South Market Street  
San Jose, CA 95113

## AGENDA

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or by facsimile at (916) 445-0738. This Notice and associated staff reports can be accessed electronically at the SMGB's Internet web site at: <http://www.consrv.ca.gov/smgb/> (note: Agenda reports should be available electronically approximately one week prior to the scheduled meeting/hearing date).

The SMGB requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the SMGB has the opportunity to fully preview written material, comments should be received in the SMGB office no later than 15 days prior to the scheduled meeting date, and must indicate the Agenda Item to which it relates. For written material in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 12 copies. The SMGB will not reproduce these types of documents. Comments on Agenda Items will be accepted by electronic mail, and are subject to the same conditions set forth for other written submissions.

Individuals are responsible for presenting their own projects at the meeting.

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**[NOTE:** Times are approximate. The chairman may alter the hearing start time or agenda item order during the meeting.]

**I. Call to Order (Jones)**

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

The meeting was called to order at 10:00 A. M. by Chairman Jones, with all members present, with exception of Members Garner and Lund, and a quorum was declared.

**III. Director's Report (Luther, Department of Conservation) [Information]**

On behalf of the Director, State Geologist Dr. John Parrish reported on the following:

- There is no pending legislation that affects the SMGB or planning operations for SMARA that is pertinent for the Legislature.
- All of the Department's budgets have been through and vetted by the committees, with little controversy.

- Office of Mine Reclamation Report (O'Bryant) [Information]

Mr. Dennis O'Bryant, Assistant Director with OMR, reported on the following:

- OMR would be providing an overview and update on activities of the Abandoned Mine Lands Unit (AMLU) program when the SMGB meets again in September.
- OMR would also be providing an update on the planning and hiring for the Lead Agency Review Unit at the September presentation.
- A SMARA workshop is planned to be conducted in Mount Shasta City, Siskiyou County, for County staff and operators. OMR will also be working with some Counties on a one-on-one basis.
- OMR received a public records request regarding the Weber Creek Quarry, and a joint response from the SMGB and OMR will be prepared.
- Brett Koehler, Senior Engineering Geologist, was re-located from CGS to OMR, and manages the Compliance Unit.

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

Dr. John Parrish, State Geologist and Director of the California Geological Survey (CGS), provided the following report:

- A recent trip was made to West Virginia to participate in the meeting of the American Association of State Geologists (AASG), which was sponsored by the United States Geological Survey (USGS) in celebration of AASG's 100 year anniversary. Dr. Parrish stated that he chaired the Hazards Committee and provided a presentation on hazards nationally, and what CGS and others are doing in California. USGS Director Mark Myers, who also made a presentation, was complimentary of CGS's efforts in this area. Discussions with the National Parks Service about State survey mapping for the California National Parks were also held.
- A synopsis of fire conditions in California were reported, noting that there were about 1,402 fires in California while he was in West Virginia. About 1,400 fires were put out, and as of today's meeting, there were about 322 fires still burning throughout the state. About 700,000 acres have been burned, probably over a 1,000 square miles.



As a result, CGS was contracted by several agencies including California Department of Forestry and USGS. The need to negotiate some form of financial compensation was in order.

- A new seismologist for the Strong Motion Instrumentation Program was hired, in an attempt to replace one lost earlier to the Nuclear Regulatory Commission. A new engineering seismologist was also hired for the Seismic Hazards Assessment.
- The large earthquake in the Szechuan Province in China in May resulted in about 70,000 deaths with significant damage to cities. Correspondence with Chinese agencies has also resulted, notably, regarding building codes. CGS staff has been invited to visit damaged areas in China and provide an engineering assessment.
- CGS closed out the fiscal year under, albeit barely, budget.
- Chairman Jones inquired as to what CGS actually does after fires. Dr. Parrish indicated that Burn Area Emergency Response (BAER) teams made up of geologist, civil engineers, archaeologists, among others, are sent to identify the most dangerous areas for surface erosion, debris flows, flooding, etc. The areas are ranked. Over 500,000 acres were mapped last December 2007, which identified such areas. The maps were provided to the Forest Service and Governor's Office of Emergency Services; the latter agency then contacts the County Engineer, the Chief Administrative Officer, etc.

#### **IV. Chairman's Report (Jones) [Information]**

No report provided.

#### **V. Executive Officer's Report (Testa) [Information]**

Executive Officer Stephen Testa summarized the following recent and upcoming activities of the SMGB:

- The rulemaking packet for the Board's adopted regulations for conduct of a vested rights determination, upon request from an operator, when the Board is serving as a lead agency under SMARA was submitted to OAL on March 19. Comments were received from the Office of Administrative Law (OAL) on April 31, 2007 – one day before the end of the 30-working day review period. OAL had some specific comments and required the "*Final Statement of Reasons*" to be expanded upon. Working closely with the Attorney General's office and OAL, all issues have been addressed, and the Public Notice containing the "Supplement to the Initial Statement of Reasons" was posted on the SMGB's website, and electronically forwarded and mailed to the maintained distribution list on July 3<sup>rd</sup>. Comments, should any be received, are due by July 18, 2008. The Supplement to the Rulemaking Packet will be forwarded to OAL for final approval consideration on July 19.
- The SMGB can anticipate a presentation from the Bureau of Land Management (BLM) at its upcoming September meeting.
- A Draft Environmental Report (EIR) was received for review and comment for the proposed Ostrom Quarry located in Yuba County. The County will serve as the lead agency under the California Environmental Quality Act (CEQA), and the SMGB will



eventually serve as a Responsible Agency and rely on this document when considering approval of the reclamation plan.

- Several SMARA exemption requests have been received and are under review.
- In August, SMGB staff will commence inspection of surface mining operations within jurisdictions where the SMGB serves as a lead agency under SMARA.
- The Executive Officer will be providing an update of the SMGB's activities and a presentation on the geology and active faulting in the White Mountains area at the quarterly Sierra Club Desert Committee meeting scheduled for August 8 and 9, 2008, and to be held at the White Mountains Grandview Campground.

**VI. Ex-Parte Communication Disclosure [Information]**

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

- Member Bly-Chester stated that Ms. Toni Johnson contacted her on two occasions to assure that the SMGB Members received all the materials she provided.

**VII. Good of the Meeting [Information]**

[This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. All persons wishing to address the SMGB should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman.]

- Ms. Toni Johnson expressed concerns regarding Weber Creek Quarry, located in El Dorado County.
  - Member Bly-Chester inquired about the December 2004 letter prepared by past Executive Officer John Parrish, and the issue of imminent health and safety concerns expressed in such correspondence.
  - Chairman Jones advised that further discussion of this matter would take place in Executive Session due to on-going litigation.
- Member Isham indicated that past SMGB Member Bob Griego is now City Manager for the City of Irwindale.
  - Chairman Jones suggested that if it was possible that we should schedule an upcoming meeting in Irwindale.



**VIII. Consent Items [Action]**

[All the items appearing under this section will be acted upon by the SMGB by one motion and without discussion; however, any Board member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business.]

1. Approval of Minutes, May 8, 2008, Regular Business Meeting.

Board Member Isham moved to approve the minutes. Board Member Tepel seconded and the motion carried with a unanimous voice vote.

**IX. Continued Business [Action]**

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

No continued action items were presented.

**X. New Business [Action]**

2. Review of the Adequacy of Santa Clara County's Response to the Board's 45-Day Notice to Correct Deficiencies Issued on October 2, 2007.

Executive Officer Testa provided background information indicating that on April 19, 2006, the SMGB issued a 45-Day Notice to Correct Deficiencies to Santa Clara County reflecting deficiencies in the County's overall SMARA program. At its September 13, 2007, regular business meeting, the SMGB heard from the County, operator's representatives, the Los Gatos Preservation Coalition, and other interested parties, and considered the adequacy of the County's actions to correct the deficiencies noticed. As a result, the SMGB decided to 1) rescind the Notice, and 2) issue a new 45-Day Notice of Deficiencies dated October 2, 2007, to allow the SMGB to continue monitoring the County's progress. This second Notice reflected outstanding deficiencies that in the SMGB's view were not corrected to its satisfaction. The Executive Officer met with County representatives in mid-May to discuss the deficiencies and progress made by the County. Since such time, inspections have been performed and FAs reviewed and adjusted for all sites within the jurisdiction of the County. Furthermore, amended RPs have been requested from those operators, as appropriate, based on the site inspections performed. Furthermore, the EO report notes areas for improvement for the County's consideration. Overall, the County is currently performing at a level relatively higher than the state-wide average. Three considerations are before the SMGB:

- Should the SMGB feel that the County corrected the deficiencies to the SMGB's satisfaction, then this matter would be removed from further consideration by the SMGB.
- Should the SMGB determine that the County has not corrected the deficiencies to the SMGB's satisfaction, then it would be up to the SMGB to assume the County's responsibilities and obligations under SMARA, whole or in part.



- The SMGB could also consider a stay of the matter, continue monitoring the County's progress, and have the County report back to the SMGB at a later date.

The Executive Officer recommended that the SMGB consider rescinding the Notice of Deficiency dated October 2, 2007.

- Mr. Peter McHugh, Chair of the County Board of Supervisors stated that the concerns of the SMGB have been taken very seriously, and that improvements have been made in the areas of compliance, documentation, and communication, and that local control was best.
- Members Isham and Hoose expressed appreciation for Mr. McHugh's appearance and efforts.
- Chairman Jones stated that the County has been focused on improving how it administers SMARA and that it was his impression that County staff has done an outstanding and admirable job.
- Member Bly-Chester asked if the Board of Supervisors heard from the community regularly. Mr. McHugh indicated that it has been several months since any citizen had come before them.
- Ms. Sylvia Gallegos, Deputy County Executive, spoke on behalf of the County indicating that she was involved in a couple of meetings with Executive Officer Testa, and supported the recommendation set forth. Ms. Gallegos stated that Mr. Testa had been invaluable in providing assistance with respect to improving the County's performance as a lead agency.
- Mr. Michael Lopez, Planning Manager for the County of Santa Clara, indicated the County's commitment to proper administration of their SMARA program.
- Mr. Gary Rudholm, the County's Senior Planner, stated that the County looks forward to future training opportunities provided by the State, and was available to address any specific questions.
- Chairman Jones complimented Mr. Rudholm for his hard work, and that his efforts are much of the reason the County has made the progress it had.
- Mr. McElhinney, Chief Deputy Director for Caltrans in the Bay Areas, reminded the SMGB that the Governor's Proposed Strategic Plan has significant investment for the State's infrastructure over the next decade, with \$107 billion identified. In November 2006, the public voted to invest \$19.9 billion in transportation bonds, and over the last couple of years Caltrans has programmed projects for the Quarter Mobility Improvement Account of \$4.5 billion, with the Bay Area to receive approval for 75 percent of the funds dedicated for Northern California, nearly \$1.3 billion for 18 projects. Caltrans is aggressively working with its County partners to deliver those 18 projects. In addition, we are adding on an annual basis another \$700 million in projects every year for construction, with \$500 million in construction in the nine counties in the Bay Area. The Bay Area is a busy one, and supported maintaining the County's role as a SMARA lead agency.



- Mr. Adam Harper, representing the California Construction and Industrial Materials Association (CalCIMA), expressed CalCIMA's support of the Executive Officer's recommendation.
- Mr. Ross Kashiwagi, with Granite Construction and representing the quarry owners throughout the County, expressed his support of the Executive Officer's recommendation, stating that the County is holding the operators accountable as mine operators.
- Mr. Bart Heckman, representing two quarries: Lexington and Calaveras quarries, stated that the County had imposed additional requirements on the quarries to conform to SMARA, as appropriate.
- Ms. Karen Del Compare of West Valley Citizens Air Watch, and a resident of the City of Cupertino, thanked the SMGB for looking into the County's efforts to administer SMARA, and focused her comments mainly toward the Hanson Permanente Quarry, and outstanding issues associated with its operation. Ms. Del Compare stated that the Hanson operation remains out of compliance – it has encroached beyond its approved reclamation plan footprint, as noted by the citizens, not the County, and has done so without prior consent or adequate administrative process. In a report from the County's Planning and Development report dated June 19, 2008, it states "*The means of mitigating violations is to amend the Reclamation Plan.*" The mines can expand when they wish, and the response to the County is to simply approve, in essence reward, the violation retroactively. This is a process that circumvents the CEQA process. Cotton, Shires and Associates' geologic map of the Hanson site in 2007 was provided, and the several landslides mapped were emphasized. Supporting documentation was provided. Other issues were mentioned and the County has failed to fulfill its obligation for these issues as well.
- Mr. Ignacius Ding, 30-year resident of the City of Cupertino, criticized the financial assurances cost estimates and mitigation solutions set forth for the Hanson Permanente Quarry, and potential large bail-out burdens for the taxpayer.
- Mr. Tim Brand, an engineer and resident of the County, questioned the County's oversight of the Hanson Permanente Quarry, and the County's ability to protect the nearby residents. Concerns regarding potential asbestos-containing materials were raised, along with compliance with a Clean-up and Abatement Order set forth by the California State Water Board in 1999. Should the SMGB decide not to assume the County's SMARA obligations, at least continue the Notice of Deficiencies and offer some glimmer of hope for the residents.
- Ms. Joyce Eden, resident of the City of Cupertino, expressed the need for the Hanson Cement Plant to be included in the Hanson Permanente Quarry reclamation plan and Draft Environmental Impact Report (EIR), and concurred with the Department of Conservation Office of Mine Reclamation's correct determination that the plant should be included in the reclamation plan. Supporting documentation was provided.



- Mr. Richard Lowenthal, a local business owner and past Mayor of the City of Cupertino, endorsed the Executive Officer's recommendation to rescind the 45-Day Notice of Deficiencies.
- Ms. Lynn Waters, a local resident near the Lexington Quarry and a member of the Los Gatos Hillside Preservation League, criticized the County's effort to administer the EIR process inability to compel compliance and enforce SMARA at the Lexington Quarry site, and requested that the SMGB continue to monitor the County's efforts.
- Chairman Jones re-stated his earlier comments to Supervisor McHugh that there is no county or city which does it perfectly. Mining is a complex activity, and SMARA is equally a complex piece of legislation. Regardless, there are those agencies that do a good job, and a credible job of oversight, and agencies that do not. In fact, the SMGB has assumed lead agency responsibilities in the case of some agencies that have neither the demonstrated track record, nor the interest in doing a credible job. In the context as to what is being done throughout California, the County is now doing an effective and credible job of understanding and administering SMARA. The County could do better, as can the other 57 counties in California. The County is committed to not only maintaining, but enhancing its role in SMARA implementation. It was my opinion that the role of the SMGB is working with and performing an oversight function has come to an end, and we should conclude that the 45-Day Notice should be rescinded at this point.
- Member Bly-Chester concurred, but in consideration to some of the comments heard, one should not be all that impressed with being slightly above average. The average statewide is not that great. The County has greatly improved, but it remains important for the constituents to maintain their watchdog role. It is apparent that the County has not issued all the violations they could have, and has not abided to the letter of SMARA. Communications between County staff and the Board of Supervisors and constituents needed to be improved upon.
- Member Hoose stated that she was struck with the difference in perception between the County staff and the citizen groups, and noted that these citizen groups live with these mines, and know more about these mines than anybody can just going out and doing an inspection, and are a resource to the County and the County should be listening to them. The unstable slopes pointed out by the County's consultant, adversely impacts the safety of the citizens. Confirmation and verification should continue regardless whether the SMGB rescinds the 45-Day Notice or not.
- Member Tepel stated that he is not willing, at this point, to completely say the County has achieved everything that we wanted them to achieve.
- Member Isham pointed out the importance aggregate resources play in the County.

Board Member Isham moved to rescind the Notice. Board Member Chairman Jones seconded and the motion carried, with Member Hoose opposed.



3. Consideration of Issuance of a 45-Day Notice of Deficiencies to Siskiyou County.

Executive Officer Testa provided background information indicating that in June 2007 the Board received a complaint from an adjacent land owner regarding the Timberhitch Pits located in Siskiyou County, alleging that the operation has been in a state of non-compliance, and that the County has failed to adequately enforce SMARA and bring this site into compliance. Since such time, public complaints have been received for two other surface mining operations: Kidder Creek Quarry and, notably, the Truck Village Quarry located in the city of Mt. Baker and situated along the east side of Interstate I-5, at the base of Black Butte. These complaints were forwarded to OMR, whose staff has been coordinating with the County in response to these complaints. Siskiyou County is one of the larger mining counties in the state, and based on a review of OMR's SMARA database, the County currently produces sand and gravel, rocks, cinders, bituminous rock, pumice, dimension stone and gold (placer and lode). The County has 43 mines, of which 34 are currently active, four closed with no intent to resume, two newly permitted, and three noted as idle. A summary of the County's performance as a lead agency in regards to annual inspections, annual adjustments of financial assurance amounts, and enforcement in the areas of idle mines and mining outside the footprint of the approved reclamation plan, and other criteria, are provided in the Executive Officers' report. The Executive Officer met with County representatives in mid-June to discuss the County's overall SMARA program. Overall, the County is currently performing as a SMARA lead agency at a level lower than the statewide average. The SMGB is considering whether to direct its Executive Officer to issue a 45-Day Notice of Deficiencies based on the findings set forth in the Executive Officer's report, or wishes to monitor the County's performance with time.

- Ms. Terry Barber, Planner and Deputy Director for Siskiyou County, on behalf of the County, emphasized the County's sincere commitment to improving its administration of its SMARA program. The surface mines throughout the rural and remote County are considered small in both size and volume. Enforcement actions have commenced for the Timberhitch and Truck Village sites. The County recognizes that it has done a poor job in implementing SMARA, and that a significant and swift program, and additional resources, was needed. There is value in maintaining the program locally. Consultation with the Office of Mine Reclamation is being maintained, and the County is looking to OMR for assistance.
- Mr. Brian McDermott, the County Chief Administrative Officer, assured the SMGB that the County will commit the resources that are needed for a strong SMARA program, and read the County's recently adopted Resolution No. 8-144 which recognized the need for improvements to the SMARA program, and the County's commitment to do so.
- Member Tepel inquired as to whether a substantial RFD-RFP process was in place to acquire well qualified consultants to perform the surface mine inspections.
- Mr. McDermott stated that the process was in place.



- Mr. Jim Williamson stated that he was the landowner for the Timberhitch quarry, but does not own the mineral rights. He has been trying to get the County to enforce compliance for many years. This site should have been deemed abandoned years ago.
- Chairman Jones indicated that he was not inclined to issue a 45-Day Notice of Deficiencies to the County at this time. The Board of Supervisors have expressed their desire to do the right thing, and this matter should be revisited in about six months.
- Member Isham concurred with Chairman Jones comments
- Member Tepel stated that the goal of the SMGB can be achieved by continuing to monitor the County's progress.
- Member Bly-Chester emphasized the need for the County to reach out to the public, notably, when the public has identified deficiencies that have proven correct.
- Chairman Jones requested that the Executive Officer at some substantive point to report back to the SMGB on observations of the progress made by the County.

Board Member Tepel moved to continue to monitor the County's progress. Board Member Hoose seconded and the motion carried with a unanimous voice vote.

4. Approval Consideration of a Proposed Mitigated Negative Declaration and Amended Reclamation Plan, for the Parks Bar Quarry (CA Mine ID #91-58-0013), Nordic Industries, Inc. (Operator), Mr. Jens Karlshoej (Agent), Yuba County.

Part A. Approval of Initial Study and Proposed Mitigated Negative Declaration

Part B. Approval of June 2007 Reclamation Plan Amendment

Executive Officer Testa provided background information indicating that the SMGB is considering approval of the Initial Study/Mitigated Negative Declaration (IS/MND) and Amended Reclamation Plan for the Parks Bar Quarry located in Yuba County. The IS/MND was prepared by OMR staff who are present today to provide a synopsis of the IS/MND. No comments were received during the comment period, which closed on June 12, 2008. The reclamation plan for this vested surface mining operation was approved by the SMGB in June 2004 and encompassed about 31 acres. The Amended RP encompasses approximately 145 acres of the 276 acres that make up the ownership limits. We received a letter from the County on July 7 requesting this matter be deferred on the basis that 1) SCH did not forward a copy of the IS/MND for their review to the County in a timely manner, 2) an uncertainty within the County as to whether the proposed changes constitute an expansion of the vested mining operation and will require a permit. The SMGB is considering approval of the IS/MND and June 2007 Amended Reclamation Plan.



- Ms. Lea Gardner, Botanist and Restoration Ecologist with the Department of Conservation Office of Mine Reclamation, summarized the Environmental Study and Mitigated Negative Declaration, prepared for the site.
- Mr. Mark Harrison, legal counsel for the operator, stated that he had no problem with the SMGB conditionally approving the amended reclamation plan, requesting that the operator obtain all applicable permits, if any are required.
- Chairman Jones clarified that the SMGB does not have any reasons to believe any permits are necessary from the County, and simply request that the operator interact with the County and ascertain that, indeed, none are needed. Should any permits be required, that the operator should pursue and obtain such permits.

Board Member Tepel moved to approve the Initial Study/Mitigated Negative Declaration. Board Member Bly-Chester seconded and the motion carried with a unanimous voice vote.

Board Member Tepel moved to approve the amended reclamation plan. Board Member Bly-Chester seconded and the motion carried with a unanimous voice vote.

5. Approval Consideration of Interim Management Plan for the Snows Road Quarry (CA Mine ID #91-09-0012), Cobalt Crushing Mining Contractors (Operator), Mr. Lee Hall (Agent), El Dorado County.

Executive Officer Testa provided background information indicating that the matter was before the SMGB on March 13 of this year. The SMGB, at this time, deferred action on the Interim Management Plan (IMP) to assure that certain site specific issues raised were adequately addressed. These issues related to the presence of an above ground fuel tank, and the overall stability of the northwestern perimeter cut slope. Snows Road Quarry was, until recently, an active surface mining operation encompassing about 16 acres. Due to litigation between the property owner and the operator, surface mining activities have ceased, and the operator has requested consideration of an IMP. Pursuant to PRC Section 2727.1, within 90 days of becoming idle, a surface mining operator shall submit an IMP to the SMARA lead agency. Should the IMP be granted, it may remain in effect for a period not to exceed 5 years. The IMP before the SMGB has been reviewed by OMR and SMGB staff, and meets the requirements of SMARA and the SMGB's regulations. The SMGB is considering approval of the IMP for a recommended period of one year.

- Executive Officer Testa stated that a request of the County has been made as to what documents did the County rely upon in determining vested rights.
- Member Bly-Chester reiterated the neighbor's request that the IMP be approved for one year only, and that the operation not resume mining until the vested rights issue is addressed.

Board Member Bly-Chester moved to approve the IMP. Board Member Tepel seconded and the motion carried with a unanimous voice vote.



6. Approval of Adjusted Financial Assurance Cost Estimate for the Marin Quarry (CA Mine ID #91-09-0015), Sierra Pacific Industries (Operator), Mr. Bob Mertz (Agent), El Dorado County.

Executive Officer Testa provided background information indicating that the Marin Quarry is located in El Dorado County and has been inspected by the SMGB's mine inspector since 2003. The site is operated by Sierra Pacific Industries. The material that is periodically produced has been used primarily for maintenance of forest service roads. Since 2002, the level of site activity has been low. Based on the site inspection performed in November of 2007, the FACE has been reviewed and adjusted from \$127,787 to \$141,489. This amount was deemed by OMR and Board staff as adequate to complete reclamation at the site. The Board is considering approval of the adjusted FACE.

Board Member Hoose moved to approve the adjusted financial assurance cost estimate. Board Member Tepel seconded and the motion carried with a unanimous voice vote.

#### **XI. Special Reports and Department Presentations [Possible Action]**

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

#### **XII. SMGB Committee Reports [Information and Possible Action]**

- Geohazards Committee (Chairman Tepel)
  - Alquist-Priolo Technical Advisory Committee (Chairman Tepel)

Committee Chairman Tepel stated that the Geohazards Committee continues to work on the technically challenging situations at the Richmond Quarry, and that the Alquist-Priolo Technical Advisory Committee is scheduled to meet in Southern California on July 23 to receive public comments from the profession and other stakeholders. There is much interest in Southern California and much activity in evaluating surface fault rupture.

- Surface Mining and Standards Committee (Chairman Isham)

No Committee report provided.

- Minerals and Geologic Resources Committee (Chairman Garner)

No Committee report provided.

- Policy and Legislation Committee (Chairman Jones)

No Committee report provided.

#### **XIII. Continuing Business [Information]**

[This item is provided as an opportunity for any SMGB member to receive information on or any items of continuing interest to the SMGB.]

#### **XIV. New Business [Information]**

[This item is provided as an opportunity for any SMGB member to bring any item of new business to the SMGB's attention for further discussion and further action.] Items to be discussed:



**XV. Executive Session (Closed to the Public) [Possible Action]**

[The SMGB will discuss information from its legal counsel on pending litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.] Items to be discussed:

- a). Brunius vs. SMGB, Case # PC 20010449, El Dorado County Superior Court.
- b). Kibbe Area Planning and Protection Association; Forest Tull vs. SMGB; A. Teichert & Sons, Inc.; and DOES 1010, Case No. 34-2007-00882657-CU-WM-GOS, Sacramento County Superior Court.
- c). An un-named case where there is potentially significant exposure to litigation against the Board.
- d). Performance evaluation of the SMGB's Executive Officer.

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

Board Legal Counsel Bill Cunningham, Deputy Attorney General, announced that the SMGB met in closed session to discuss pending litigation but took no actions.

**XVI. Announcements of Future Meetings**

September 11, 2008, was announced as the next meeting, and Sacramento as the location.

**XVII. Adjournment**

The meeting was adjourned at 3:30 P.M.

