



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

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CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, July 9, 2009

9:30 A. M.

Assembly Hearing Room #444

State Capitol

Sacramento, California 95814

Draft

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.

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

I. Call to Order (Bly-Chester)

II. Roll Call and Declaration of a Quorum

The meeting was called to order at 9:30 A. M. by Vice Chairman Bly-Chester, with all members present with exception to Chairman Garner, and Members Lane and Wyatt, and a quorum was declared.

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

Deputy Director, Mr. Derek Chernow, on behalf of Director Bridgett Luther, reported on the following:

- An update on the state's budget was provided, and the need for three mandatory furlough days per month, which is also applicable to SMGB staff.
- A legislative update was provided, including a brief status report on the status of the State Board of Registration for Geologists and Geophysicists. The SMGB was not eliminated.
- Potential changes to the Department of Conservation was also briefly discussed based on current state budget deliberations.
- State departments, like the DOC, have to submit contract amendments if they want such contracts approved.
- DOC has been recognized and honored by CalEPA for DOC's efforts as a Climate Action Leader.

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

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

- A successful SMARA workshop was held in Mendocino County. Future workshops will be held in Monterey and Yolo Counties.
- Enforcement actions are being pursued for certain surface mining operations located in Butte, Sacramento and Ventura Counties.
- OMR is pursuing federal stimulus dollars along with Bureau of Land Management, United States Forest Service and National Parks Service. More information will be provided in the future.
- Exemptions are being assessed in Sutter and Sacramento Counties.
- A briefing on OMR's Lead Agency Review Unit will be provided later in the hearing.

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

State Geologist and Director of the California Geological Survey, Dr. John Parrish, reported on the following:

- The State Geologist sits as Chair of the California Earthquake Prediction Evaluation Council, and met last week and will meet again in August at USGS facilities in Pasadena to develop and discuss new earthquake risk scenarios in response to new earthquake patterns and the potential for aftershocks. It has been about 15 years since the original scenarios were developed. This was prompted by the earthquake swarms which occurred earlier this year at Bombay Beach.
- USGS selected CGS to host a national digital mapping workshop in May of 2010, which will include all state surveys, federal agencies, and others, to discuss mapping techniques. CGS publishes more types of geologic maps than any other survey. This meeting coincides with CGS's 150 year anniversary, and there will be much to celebrate.
- The USGS provided with a \$221,000 grant for its regional mapping program.



- CGS is releasing a web report commissioned by the National Park Service to study and assess impacts of the off-road Rubicon trail.
- Current activities being initiated for the Strong Motion Instrumentation Program (SMIP) were provided.

IV. Chairman's Report (Garner) [Information]

No Chairman's report was provided.

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

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

- A Request for Determination for the Big Cut Mine located in El Dorado County was received on March 13, 2009. A determination of jurisdiction was made by the Chairman on April 3, 2009, and the claimant subsequently notified. A mailing of the Notice of Pending Vested Rights Determination was completed on May 15, 2009. The determination of findings for the SMGB consideration during the public hearing is planned to be performed by the Executive Officer. This matter will likely be scheduled at the SMGB's upcoming September 10, 2009, regular business meeting.
- An administrative draft for an initial study and proposed mitigated negative declaration (MND) for the Big Cut Mine Reclamation Plan is also under review by OMR and SMGB staff. The study and proposed Mitigated Negative NEclaration was prepared by the SMGB's consultant, PBS&J.
- Based on review comments by the Office of Administrative Law (OAL), Section 3959(b)(4) could have been interpreted in different ways, and for clarity, an amendment to the language was proposed that reflected the SMGB's intent. Two options were available to the SMGB: 1) leave as is although this could prove unwieldy, or 2) amend. At the Board's September 11, 2007 meeting, it considered this amendment, and directed its EO to proceed with the Notice of Proposed Rulemaking. The Executive Officer proceeded with the 45-day notice to adopt an amendment to Section 3959(b)(4) of its regulations. The Notice of Proposed Rulemaking for this amendment was published in the California Regulatory Notice Register on October 31, 2008 (Notice File No. Z2008-1021-05). This action commenced the 45-day public comment period. The public comment period closed on December 15, 2008. No comments were received. The SMGB adopted the regulation amendment at its regular business meeting held on February 5, 2009. The amendment is underlined below:

CCR Section 3959 Vested Rights Hearing Procedure –

Notice/Submission of Written Materials. (4) A request that any additional written materials be delivered to the Board by the public no less than 60 calendar days before the hearing and in no case will any responsive materials be submitted by the claimant less than 45 calendar days prior to the hearing.



The SMGB was notified by the Office of Administrative Law (OAL) on June 25, 2009, that the amendment went through OAL's review with no comments, and will become effective on July 23, 2009.

- Rulemaking preparation for termination of designation is in progress for the Claremont-Upland Production-Consumption Region. A response to the comments received regarding designation, and termination of designated, of certain sectors within the Palm Springs Production-Consumption Region, are being compiled and considered. The SMGB can anticipate considering rulemaking on the SMGB's determination at its July 9, 2009, regular business meeting, and a public hearing will be scheduled to receive comments for the San Bernardino Production-Consumption Region.
- Will Arcand, Senior Engineering Geologist with the SMGB, has commenced the 2009 mine inspections.
- The SMGB received an inquiry for the Bear River North Levee Project Borrow Sites, located in Yuba County, which are associated with a Reclamation District 2103 levee repair project. SMGB staff is reviewing the associated Project and CEQA documents to determine whether the project is exempt from SMARA, or whether this matter needs to come before the SMGB.
- The Executive Officer will be chairing a symposium on Engineering and Environmental Issues associated with mining at the upcoming 2009 annual national meeting of the Association of Engineering and Environmental Geologists. The meeting will be held in South Lake Tahoe in late September 2009.

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.]

No Ex-Parte communications were reported.

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.]

Information was provided by the following:

- Katheryn Rhodes summarized her co-authored public complaint directed at the United States Navy and the City of San Diego, pertaining to Center City Development Corporation, for conspiracy to commit honest service fraud. Executive Officer Testa noted that the complaint was outside the jurisdiction of the SMGB, but would follow-up with CGS, USGS and USN.

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 14, 2009, Regular Business Meeting.

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



2. Approval of Revised Financial Assurance Cost Estimate for CEMEX Lapis Sand Plant (CA Mine ID #91-27-0006), CEMEX (Operator), Ronald Wilson (Agent), City of Marina.

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

3. Approval of Revised Financial Assurance Cost Estimate for Bear Creek Quarry (CA Mine ID #91-09-0001), Butte Equipment Rentals (Operator), Boyd Sears (Agent), County of El Dorado.

Board Member Licari moved to approve the financial assurance cost estimate. 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.]

X. New Business [Action]

4. Approval of a Reclamation Plan and Financial Assurance Cost Estimate for the Feather River Levee Improvement Project (CA Mine ID #91-58-00XX), Three Rivers Levee Improvement Authority (Operator), Paul Brunner (Agent), County of Yuba.

Executive Officer Testa reported that the SMGB is the SMARA lead agency for Yuba County, and on September 23, 2008, a reclamation plan for the proposed Three Rivers Levee Improvement Authority (TRILIA), Feather River Levee Repair Project, Segment 2, was received. Upon initial review, it came to the SMGB's attention that work had already commenced, and a site visit was performed on November 14, 2008. While most of the project was deemed not subject to SMARA, upon receipt of additional documents and further review by OMR and SMGB staff, two borrow pits were deemed subject to SMARA: Ella and Platter/JTS Borrow sites. At its April 9, 2009, regular business meeting, the SMGB determined that an adequate reclamation plan and financial assurance cost estimate would be required. Before the SMGB today is approval consideration of a reclamation plan and financial assurance cost estimate, and the environmental documents that would be relied upon for such approval consideration.

- Thomas Henry, legal counsel for TRILIA, provided an overview of the reclamation plan and financial assurance cost estimate for the project.
- Member Lund inquired about the end use being agricultural.
- Member Tepel and Member Baca concurred that access to the Platter pits should be provided in the reclamation plan.

Board Member Tepel moved to approve the environmental study. Board Member Licari seconded and the motion carried with a unanimous voice vote.

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

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



5. Acceptance of a Petition for Re-Classification of Mineral Resource Zone (MRZ) Lands to MRZ-2a, Wilson Ranch-Walltown Quarry Project, Sacramento County.

Executive Officer Testa reported that Kerry Shapiro with Jeffer Mangels Butler & Marmaro, on behalf of Angelo and Katherine Tsakopoulos, submitted a petition dated May 13, 2009, for mineral land classification of 1,300 acres of land referred to as the Wilson Ranch-Walltown Quarry Project. The project is located about 6 miles south-southeast of the City of Folsom in eastern Sacramento County. The petitioner also provided \$5,000 of which \$1,000 dollars were used by the California Geological Survey (CGS) to perform a preliminary review. Based on a preliminary review, the State Geologist concluded the material will likely meet the quality specifications for Portland Concrete Cement (PPC) aggregate. Preliminary calculations based on information provided by the petitioner indicated the parcel contained aggregate resources in excess of the threshold value of \$12,550,000 (1998 dollars) or \$17,157,910 (2009 dollars), as required for MRZ2. Should the SMGB accept the petition, the petitioner would be required to provide CGS an additional \$9,175 dollars to complete the full classification study. Any unused funds will be returned to the petitioner. The SMGB is considering accepting the petition.

Board Member Licari moved to accept the petition on consent. Board Member Tepel seconded and the motion carried with a unanimous voice vote.

6. Acceptance of a Petition for Update Classification of Additional Mineral Resource Zone (MRZ) Lands from MRZ-3 to MRZ-2, First Industrial Realty Trust Day Street Site, Riverside County.

Executive Officer Testa reported that on August 5, 2008, the SMGB accepted a petition dated June 5, 2009, for mineral land classification of 500 acres of land referred to as the Day Street Project, located in Riverside County. Following acceptance of CGS's Special Report 212 on April 9, 2009, it was recognized that the petitioner inadvertently excluded two parcels totaling about 80 acres. TerraMins, Inc., on behalf of First Industrial Realty Trust, submitted a new petition dated June 5, 2009, for additional mineral land classification of the 80 acres of land. A preliminary review was performed by CGS. Based on a preliminary review, the State Geologist concluded the material will likely meet the quality specifications for Portland Concrete Cement (PCC) aggregate. Preliminary calculations based on information provided by the petitioner indicated the parcel contained aggregate resources in excess of the threshold value of \$12,550,000 (1998 dollars) or \$17,157,910 (2009 dollars), as required for MRZ2a or MRZ-2b (inferred) for PCC grade aggregate. The SMGB is considering accepting the petition.

Board Member Licari moved to accept the petition on consent. Board Member Tepel seconded and the motion carried with a unanimous voice vote.

7. Recommendation for Designation and Termination of Designation of Mineral Resource Lands in the San Bernardino Production-Consumption Region, San Bernardino and Riverside Counties, California.

Executive Officer Testa reported that at its December 11, 2008, regular business meeting, the SMGB accepted CGS Special Report 206 which updated information previously presented in an earlier classification report. The SMGB pursuant to PRC Section 2790 may by regulation adopted after a public hearing designate specific geographical areas of statewide or regional significance and specify the boundaries thereof. The SMGB pursuant to PRC Section 2793 may also by regulation terminate, partially or wholly, the designation of any area on a finding that the direct involvement of the SMGB is no longer required. The SMGB based on recommendations from the State Geologist



and public input, prioritizes areas to be classified and/or designated. The State Geologist has prepared his recommendations. There are 14 in 2 sectors being recommended for designation, and 57 areas in 8 sectors, are being recommended for termination of designation. The SMGB is considering accepting the recommendations of the State Geologist.

Board Member Licari moved to accept the recommendations on consent. Board Member Tepel seconded and the motion carried with an unanimous voice vote.

8. Approval of Renewal of an 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 reported that the SMGB is the SMARA lead agency for El Dorado County. The Snows Road Quarry was, until recently, an active surface mining operation encompassing about 16 acres in areal extent. Due to litigation between the property owner and the operator, surface mining activities have ceased, and the operator has requested consideration of an Interim Management Plan (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. An IMP was approved by the SMGB on July 10, 2008. The operator is requesting a renewal of the IMP. The IMP has been previously reviewed by OMR and SMGB staff in 2008, and was determined to meet the requirements of SMARA and the SMGB's regulations. The SMGB is considering approval of the IMP for a recommended period of one year or until May 6, 2010.

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

9. Review of Strategy to Stabilize Existing Cutslope and Implement Revegetation Measures for Richmond (Chevron) Quarry (California Mine ID # 91-07-0006), Dutra Materials (Operator), Mr. Harry Stewart (Agent), City of Richmond.

Executive Officer Testa reported that the SMGB is the SMARA lead agency for the City of Richmond. The Richmond Quarry site encompasses 126 acres, is characterized by a quarry floor, and an unstable cut slope that encompasses about 7 acres, and is about 350 feet in height. Above ground bulk liquid tanks are situated on both the perimeter of the quarry floor, and in close proximity of the rim of the cut slope. The SMGB's regulations, notably, CCR Section 3704(f) requires that "*Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use, and conform with the surrounding topography and/or approved end use.*" SMGB regulations also provide guidance and considerations for final slopes and defines a critical gradient. The Geohazards Committee has been discussing this matter since September 2007, and to date has met 7 times, the last being February 5, 2009. At that February 5, 2009 meeting, the Committee unanimously approved recommending to the whole SMGB Alternative 5, but also requested trench logs for two strategically located trenches that were excavated in close proximity to an above ground tank. Notably, in May 2008, following discussions with the SMGB's legal counsel, Mr. Cunningham, and OMR and SMGB staff, the Committee determined that SMARA and the SMGB's regulations required that the cut slope be mitigated, and thus, monitoring of the existing unstable cut slope was not deemed consistent, nor in compliance with SMARA and the SMGB's regulations. All geotechnical studies have been completed by the operator's consultant, and peer reviewed. Five alternatives were provided, which includes a modified Alternative 5, which also does not reclaim the cut slope in a manner consistent with SMARA and the SMGB's regulations, but rather incorporates end use restrictions, a setback,



construction of a berm, and monitoring and maintenance. Since the February meeting, several items needed to be reported on including 1) no trench logs were developed during trenching ; logs developed from the review of photographs were prepared, 2) discussion with the City of Richmond indicated that the City prefers Alternative 2, and was not in favor of Alternative 5, and 3) at its May 14, regular business meeting, the SMGB heard a presentation distinguishing between avoidance, accommodation v. reclamation, and was informed that avoidance or accommodation strategy would require not only a regulatory change, but also a legislative change that would be in conflict with the intent of SMARA. Several options are provided to the SMGB for its consideration. It remains the recommendation of the Executive Officer that the SMGB reject Alternative 5, and approve Alternative 1, 2, 3 or 4, or combinations thereof.

- Will Arcand, Engineering Geologist with the SMGB, provide an overview of the site and past activities and actions.
- On behalf of Dutra Materials, presentations were made by legal counsel Chris Locke.
- On behalf of Chevron, presentations were made by legal counsel Mark Harrison and geological consultant Ray Rice.

Board Member Licari moved to direct the operator to prepare an amended reclamation plan, which will show how the existing cut slope will be reclaimed to a stable condition with a factor of safety appropriate to the proposed end use, and adjust the financial assurance, as appropriate. Board Member Tepel seconded and the motion carried with a unanimous voice vote.

[NOTE: This item was recorded by a certified court reporter. The transcript is available for review at the SMGB's office during normal business hours.]

10. **Public Hearing:** Issuance of an Order to Comply to Chile Bar Slate Mine (CA Mine ID #91-09-0004), Placerville Industries, Inc. (Operator), Brett Davis (Agent), County of El Dorado, for Failure to Provide an Adjusted Financial Assurance Cost Estimate Pursuant to the Surface Mining and Reclamation Act (Public Resources Code Section 2710 et seq.).

Executive Officer Testa reported that the SMGB is the SMARA lead agency for the Chile Bar Slate Mine located in El Dorado County. The current financial assurance amount is \$200,389. As a result of a site inspection conducted in December 2008, an adjustment of the financial assurance cost estimate (FACE) was deemed warranted to reflect existing site conditions and current equipment and labor rates. A Notice of Violation (NOV) was issued on January 14, 2009. Following several conversations with the operator, on March 4, 2009, the operator requested a one-month extension for submittal of as adjusted FACE. As of this date, no adjusted FACE has been received. At its May 14, 2009, regular business meeting, the Executive Officer recommended to the SMGB that an Order to Comply be issued, and a public hearing be scheduled. Should an adequate adjusted FACE be received, then this matter would be considered closed, and the SMGB would be looking forward to considering approval of an adjusted FACE. The SMGB is considering upholding the Order to Comply, and directing the Executive Officer to schedule this matter for an Administrative Penalty consideration at its next regular business meeting, and no sooner than 30 days from this date.

Board Member Baca moved to uphold the Order to Comply. Board Member Tepel seconded and the motion carried with a unanimous voice vote.



11. Consideration for Issuance of a 45-Day Notice to Correct Deficiencies to the County of Sierra.

Executive Officer Testa reported that in August 2008, the SMGB received a request from the United States Forest Service (USFS), Yuba River Ranger District, for assistance in a dispute germane to pending litigation between an operator of a surface mining operation referred to as the Dredge III Mining Claim and Forest Service District. The USFS claimed that the County was not very responsive in taking appropriate action as a lead agency pursuant to SMARA. This complaint was promptly forwarded to OMR whose staff has been coordinating with the County in response to this complaint, and a multi-agency site visit was subsequently performed. The Executive Officer participated in this site visit and offered comments for proceeding forward in a productive manner. Based on review of the SMARA database and mine files, conducted by the Executive Officer, the County currently produces sand and gravel, rocks, dimension stone and gold (placer and lode). The County has about 10 mines within its jurisdiction, of which 6 are currently active, two are idle, and two are closed with no intent to resume operations. As of 2007, no site inspections were performed, no financial assurances were adjusted, and the overall cost for reclamation per acre was substantially low. It was also noted that two idle sites have since become abandoned, and reclamation had not commenced. Not one site within the County's jurisdiction is listed on the AB 3098 list. Overall, the County is performing at a level significantly below the state's average. Several options are before the SMGB based on the administrative record before it today, and the testimony it is about to hear.

- Tom Beals, Planning Director for Sierra County, provided an overview of their SMARA program and efforts, and expressed his desire for the County to maintain its SMARA program.
- Member Baca stated that it was reasonable to continue this matter.

Board Member Baca moved to direct the Executive Officer to conduct a thorough review of mine inspection reports within the jurisdiction of Sierra County, and conduct on-site visits, as appropriate and deemed necessary. Upon completion, the Executive Officer will report back to the SMGB, and the SMGB can consider issuance of a 45-Day Notice of Deficiencies, if deemed necessary. Board Member Lund 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.

12. Office of Mine Reclamation Report on the Lead Agency Review Unit (Information).

Executive Officer Testa provided an introduction and why the need to improve the overall performance of SMARA lead agencies statewide.

- Ben Shelton, an auditor and manager of the Department of Conservation, Office of Mine Reclamation, Lead Agency Review Team (LART), introduced the team members, and provided a synopsis of its overall goals and objectives. The LART is comprised of an auditor, analysts, planner and geologist. LART plans to review the performance of all SMARA lead agencies with time to ensure lead agency compliance with SMARA, and as part of this effort will be reviewing financial assurances, reclamation plans, inspection reports, annual reports, interim management plans, lead agency funding, mining ordinances, planning actions, mineral resources management plans, and classified and designated areas. Scheduling and timeline was discussed. The LART is not an enforcement unit and plans to assure that timely documentation and accurate inspections and financial assurances are being provided,



and provide assistance, as appropriate. The LART plans to issue an engagement letter to the lead agency under review, followed by a field visit, a report to the lead agency, and then a report to the SMGB. This process is anticipated to take about 6 months, per lead agency, to complete.

No action was taken.

XII. SMGB Committee Reports [Information and Possible Action]

- Geohazards Committee (Chairperson Bly-Chester)
 - Alquist-Priolo Technical Advisory Committee (Chairperson Tepel)
 - No report provided.
- Surface Mining and Standards Committee (Chairperson Lund)
 - Chairman Lund noted the Committee met in the morning and discussed the SMGB's draft Reclamation Plan Form.
- Minerals and Geologic Resources Committee (Chairperson Tepel)
 - No report provided.
- Policy and Legislation Committee (Chairperson Baca)
 - No 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.]

No continued business items were discussed.

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:

13. Report on Reclamation for Species Protection (Licari).

Member Licari provided a presentation of innovative reclamation efforts relating to protection of wildlife and wildlife habitat, and appropriateness of final steep slopes under certain conditions.

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.

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

SMGB's Legal Counsel, Mr. Rick Thalhammer, Deputy Attorney General, announced that the SMGB met in closed session to discuss pending litigation but took no actions.



XVI. Announcements of Future Meetings

August 6 and 7, 2009, was announced as the next meeting, and the City of Marysville as the location.

XVII. Adjournment

The meeting was adjourned at 5:15 P.M.

APPROVED

Erin Garner, Chairman

Stephen M. Testa, Executive Officer

