



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

Policy and Legislation Committee

Brian Baca, Chair; Erin Garner; Benjamin Licari; Kathy Lund

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Approval Date: April 15, 2010

CONFORMED MINUTES

THE POLICY AND LEGISLATION COMMITTEE (Brian Baca, Chair; Erin Garner; Benjamin Licari; Kathy Lund) OF THE STATE MINING AND GEOLOGY BOARD

Conducted a Meeting on:

Thursday, March 11, 2010

8:30 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 (Baca)

II. Roll Call and Declaration of a Quorum

The committee meeting was called to order at 8:30 A. M. All committee members were present at the time of roll call, and a quorum was declared.

III. Consent Items [Action]

[All the items appearing under this section will be acted upon by the committee by one motion and without discussion; however, any committee 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, January 14, 2010, Committee Meeting.

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

IV. Continued Business [Action]

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

2. Amendment to Administrative Procedures for Submittal of Documents to the State Mining and Geology Board.

Executive Officer Testa stated that at its November 12, 2009, meeting, the Policy and Legislation Committee (Committee) discussed revisions to the SMGB's policy for the submittal of documents for items coming before the SMGB or its Committees. Based on those discussions, draft language was provided that captured the suggestions offered. The draft language being presented was for the Committee's further consideration and discussion, and whether the Committee wishes to modify the language, whole or in part, before recommending language to the whole SMGB.

- SMGB legal counsel Thalhammer summarized concerns and considerations in this matter, and as to why it was sent back to the Committee for further consideration. Additional language was suggested. The SMGB has discretion to alter its policy, when circumstances warrant so. Many boards struggle with this issue.
- Committee Member Lund inquired as to whether this language prohibits public testimony, and Thalhammer clarified the intent of the language.
- Committee Member Licari, commenced discussion regarding the impact from scheduling of meetings at various designations.
- Jeffrey Dorso, attorney, commented on two practical considerations and one legal issue: the timing of the agenda being posted 10 days prior to a scheduled meeting and the subsequent Executive Officer's report that follows, and inadequate time exist to respond to the Executive Officer's report, and a need to recalibrate the hearing time relative to the Executive Officer's report, and general public or parties involved may not be aware that they are on the agenda in a timely manner. Having a staff report at least two weeks before the hearing would be recommended, along with other adjustments.
- Adam Harper on behalf of the California Construction and Industrial Minerals Association (CalCIMA) commented on issues related to scheduling of agenda items, and the inability for an organization to comment in a timely manner.



- Committee Chairman Baca clarified that the SMGB staff, prior to a meeting, essentially needs to have the opportunity to review all information related to a particular item on the agenda, and present its report to the SMGB. Items can not be added after the 10-day notice is published; occasionally items are removed.
- Executive Officer Testa clarified the time frame for the SMGB, and the current policy.
- Committee Chairman Baca noted the inherent problem is derived from a party having to submit materials 15 days prior to a meeting, when the agenda notice is issued 10 days prior to a meeting. At least three days needs to be available following finalizing an agenda for the public to comment, and further discussion is required regarding language pertaining to the one-page submittals at a scheduled meeting.
- Committee Member Garner stated that we need a procedure that precludes abuse of the policy, and maybe there is a need to look into how other boards deal with this issue, and needed clarification as to when does the hearing formally ends from legal counsel.

Committee Chairman Baca motioned to continue the matter and for staff come back with some revised language. Committee Member Garner seconded and the motion carried with a unanimous voice vote.

V. New Business [Action]

No new Business was discussed.

VI. 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 Committee should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman]

No Good of the Meeting information was presented or discussed.

VII. Continuing Business [Information]

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

No continued business for the committee's information was presented or discussed.

VIII. New Business [Information]

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

- Committee Chairman Baca requested that 1) how local permitting impacts Mineral Resource Zones (MRZ-2) designation, and 2) overall examination of SMGB role in local permitting of mining decisions and what role the SMGB could play, be placed on the Committee's agenda for next month.

IX. Announcements of Future Meetings

The next meeting of the Policy and Legislation Committee will be scheduled for April 15, 2010, prior to the SMGB's April regular business meeting.

X. Adjournment



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The Committee meeting was adjourned at 9:30 A.M.

APPROVED

Brian Baca, Committee Chairman

Stephen M. Testa, Executive Officer

