



# STATE MINING AND GEOLOGY BOARD

## Policy and Legislation Committee

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

### EXECUTIVE OFFICER'S REPORT



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For Meeting Date: March 11, 2010

#### **Agenda Item No. 2: Amendment to Administrative Procedures for Submittal of Documents to the State Mining and Geology Board.**

**INTRODUCTION:** The State Mining and Geology Board (SMGB) requires interested persons to submit to the SMGB fifteen (15) written copies of all comments, technical reports, and other material concerning any matters on their agenda at least fifteen (15) days prior to the hearing date. These written materials are subsequently provided to the SMGB along with the full agenda materials. In addition, persons submitting written comments and other materials should be present at the SMGB meeting and be available for questions. At the SMGB's Policy and Legislation Committee (Committee) meeting held on November 12, 2009, the SMGB directed the Executive Officer to work with the SMGB's legal counsel in reviewing the policy for the submittal of documents and information for items on its agenda, and developing draft language for the Committee's consideration. At its February 11, 2010, regular business meeting, the SMGB sent this matter back to the Committee for further consideration.

**DISCUSSION:** The following draft language as it currently is, without further modification, is as follows:

The SMGB requires 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 located at 801 K Street, Sacramento, CA, 95814, no later than 5:00 P.M., 15 calendar days prior to the scheduled meeting date, and must identify the Agenda Item to which it relates. For written materials in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 15 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.

New submittals received after 15 calendar days prior to the scheduled meeting date will be marked as late, and may not be considered by the SMGB during the public hearing, or considered part of the administrative record for the SMGB's consideration. The SMGB would accept a one-page written summary of testimony, or final comments based on, and limited to, review of the SMGB's



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packet and/or Executive Officer's report, prior to or at the time of the public hearing. Such one-page summaries would be included as part of the administrative record before the SMGB. This policy does not apply to quasijudicial proceedings (i.e., appeals, petitions, etc.) where administrative procedures for the submittal of documents are set forth in statute and regulation.

**EXECUTIVE OFFICER'S RECOMMENDATIONS:** The Executive Officer's offers no recommendation to the Committee at this time.

**SUGGESTED MOTION LANGUAGE:** The Executive Officer offers the following motion for the Policy and Legislation Committee's consideration:

Motion – To recommend acceptance of proposed language:

*Mr. Chairman, in light of the information before the Policy and Legislation Committee today, I move that the Committee recommend for adoption, the language contained herein [with changes], to the SMGB.*

Respectfully submitted:

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Stephen M. Testa  
Executive Officer