



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: June 10, 2010

Agenda Item No. 5: 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. At its March 11, 2010, meeting, the Committee further discussed proposed considerations, and requested that this matter be continued. The Policy and Legislative Committee, at its April 15, 2010, meeting, recommended that the SMGB continue with the monthly calendar, but that the final agenda be released no later than 21 days prior to the next scheduled meeting of the SMGB or its committees

DISCUSSION: The following draft language has been previously presented, with minimal modification. Underlined are inserted proposed changes relative to existing language.

The SMGB requires that all lengthy comments be submitted in writing in advance of the meeting date where the meeting is to be decided. 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.



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New submittals received after 15 calendar days prior to the scheduled meeting date will be marked as late, and the SMGB will decide whether new submittals will be considered or not during the public hearing. Late submittals, received by the SMGB 48 hours prior to the scheduled meeting, will be included in a late document submittal listing. Late submittals, received after 48 hours prior to the scheduled meeting, will not be included on the late document submittal list. The SMGB would accept a one-page written summary of testimony, or final comments based on, and limited to, review of the SMGB's packet and/or Executive Officer's report, 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 recommends that the SMGB accept the amendment to the administrative procedures for submittal of documents to the SMGB.

SUGGESTED MOTION LANGUAGE: The Executive Officer offers the following motion for the SMGB's consideration:

Motion – To recommend acceptance of proposed language:

Mr. Chairman, in light of the information before the SMGB today, I move that the Board accept the Amendment to Administrative Procedures for Submittal of Documents to the State Mining and Geology Board.

Respectfully submitted:

Stephen M. Testa
Executive Officer