STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

Policy and Legislation Committee

Brian Baca, Chair; Jelisaveta Gavric, John Lane

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CONFORMED MINUTES

THE POLICY AND LEGISLATION COMMITTEE
OF THE
STATE MINING AND GEOLOGY BOARD

Conducted a Meeting on:

Thursday, September 13, 2012

9:00 A.M.

LOCATION:

Assembly Hearing Room #444
State Capitol
Sacramento, California 95814

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 requires that all lengthy comments be submitted in writing in advance of the meeting date where this matter 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.

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 at least 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 two-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 two-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.

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)

The meeting was called to order at 9:10 A M. by Committee Chairman Baca, with Member Gavric and Member Lane present, and a quorum was declared.

II. Roll Call and Declaration of a Quorum

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, June 14, 2012, Committee Meeting.

Committee Member Garvic moved to approve the minutes. Committee Member Lane 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. Consideration of Proposed Regulatory Language Regarding the Administrative Appeal Process for Removal of Surface Mining Operations from the AB 3098 List.

Executive Officer Testa noted that since July 2010, this Committee has been discussing the need for a due process for placement, removal, and reinstatement of operators on the AB 3098 List. Preliminary regulatory language has been prepared. This language was first

made available to this Committee for review and discussion, and to hear comments from stakeholders at its February 10, 2011, meeting. Further discussion of the proposed regulatory language was deferred pending the Department of Conversation's efforts to pursue a legislative remedy. The Committee is revisiting its discussions and considerations in the case where there is an intent to remove a surface mining operation from the AB 3098 List, and provide opportunity for administrative appeal from the operator to the SMGB prior to removal.

- Committee Chairman Baca summarized the purpose and objective of the recent version of proposed regulations referred to as Revision 4.0, and summarized some of the recent revisions made. Baca stated that the goal of the latest version is to address the inability of an operator to appeal an administrative action taken by the DOC, and the operator being forced to seek legal action through the courts. Outreach to the DOC for comment on the proposed language was also expressed.
- Marni Weber, Legislative Liaison with the DOC, summarized the status of DOC's efforts in developing a legislative approach in cooperation with industry.
- Committee Members Gavric offered comment and clarification of the term "any party."

Committee Member Lane moved to continue discussion for the Committee and whole SMGB for the next scheduled meeting of the Committee and SMGB to be held on October 11, 2012, with the intent for the Committee to make a recommendation to the whole SMGB for consideration. Committee Chairman Gavric seconded and the motion was unanimously approved.

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 were 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 was 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.]

No new business was offered.

IX. Announcements of Future Meetings

The next meeting of the Policy and Legislation Committee was scheduled to be held in Sacramento in October 2012.

X. Adjournment

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

APPROVED

Brian Baca, Committee Chairman

Stephen M. Testa, Executive Officer