STATE MINING & GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

STATE OF CALIFORNIA

GRAY DAVIS

GOVERNOR

RESULTS

THE STATE MINING AND GEOLOGY BOARD

Held a Regular Business Meeting on:

June 19, 2003

10:00 A.M.

Department of Consumer Affairs
400 R Street, First Floor Hearing Room
Sacramento, CA 95814

AGENDA

(**NOTE**: The Chairman may alter the hearing start time or agenda item order during the meeting)

I Call to Order (Griego)

II Roll Call and Declaration of a Quorum
Quorum Declared with five members present

III Director's Report (Young, Department of Conservation) **(Information)**

IV Chairman's Report (Griego) **(Information and Action)**

V Executive Officer's Report (Parrish) **(Information)**

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. Speakers are limited to three minutes except by special consent of the Chairman)

VII Consent Items **(Action)**

1. Approval of Minutes, May 23, 2003 Regular Business Meeting.
Staff Report
Minutes Approved

Mission of the State Mining and Geology Board is to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands; Development of Geologic and Seismic Hazard Information; and to Provide a Forum for Public Redress

2. Approval of Financial Assurances for Garnet Pit, Granite Construction, CA Mine ID # 91-33-0031, City of Palm Springs, in the Amount of $1,270,937 as Recommended by the Surface Mining Standards Committee

Staff Report
Financial Assurance Approved

VIII Continued Business Items (These business items have been continued from a previous meeting) **(Information)**

3. Presentation of Additional Information Relating to the Issuance by the SMGB on May 23, 2003, of an Order to Comply to Joseph and Yvette Hardesty, and Rick and Deanna Churches, for Failure to Provide a Financial Assurance Instrument for the Reclamation of the Donovan Ranch Property, in El Dorado County, by Dan Tankersley

Staff Report
Additional Information Accepted, Site Inspection Requested

IX New Business **(Action)**

4. Adoption of Resolution Number 2003-02 Certifying the City of Oakland's Surface Mining and Reclamation Ordinance Number 12496 as Recommended by the Policy and Legislation Committee

Staff Report
Resolution Adopted

5. Acceptance of Mineral Classification Report Titled "*Granite Construction Inc.'s Handley Ranch Petition, Monterey County*" as Prepared by the California Geological Survey in Accordance with the Requirements of Public Resources Code Section 2761 and the SMGB's Guidelines for Classification and Designation of Mineral Lands.

Staff Report
Report Accepted

X Special Reports and Department Presentations **(Information)**

(Based on these Reports, the Chairman may instruct the Board staff to initiate administrative actions)

none

XI SMGB Committee Reports

none

XII Executive Session (Closed to the Public)

[The Board will discuss information from its legal counsel on current and pending litigation and may take appropriate actions based on this information. This session is being held under Government Code § 11126.] Items to be discussed:

a) Calvert, et al vs. SMGB et al, Case # OOCS01434, Sacramento Superior Court **(Information)**
b) Loring Brunius vs. SMGB, Case # PC 20010449, El Dorado County
c) An un-named case where there is potentially significant exposure to litigation against the Board.

XIII Reopen Regular Business Session, Announce Results of Executive Session

No action was taken

XIV Announcements of Future Meetings

July 10 announced as next meeting

XV Adjournment

NOTE: ITEMS TO BE CONSIDERED FOR PLACEMENT ON A BOARD MEETING AGENDA MUST BE SUBMITTED NOT LATER THAN THIRTY (30) DAYS PRIOR TO THE SCHEDULED MEETING.

NOTE: BOARD MEETINGS ARE OPEN TO THE PUBLIC AND ARE HELD IN BARRIER FREE FACILITIES IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. FOR ADDITIONAL INFORMATION OR ASSISTANCE, CONTACT THE BOARD OFFICE.

NOTE: INFORMATION REGARDING STATE MINING AND GEOLOGY BOARD MEETINGS MAY BE OBTAINED BY CALLING THE BOARD OFFICE AT (916) 322-1082. COPIES OF STAFF REPORTS AND APPROVED MINUTES MAY BE OBTAINED BY WRITING THE BOARD OFFICE AT 801 'K' STREET, MS 24-05, SACRAMENTO, CALIFORNIA 95814 OR BY ACCESSING THE BOARD'S WEB SITE: http://www.consrv.ca.gov/smgb/

NOTE: IF YOU WISH TO COMMENT ON AN AGENDA ITEM OR SPEAK DURING THE PUBLIC COMMENTS PERIOD, PLEASE FILL OUT A "REQUEST TO SPEAK" FORM, AVAILABLE AT THE MEETING ROOM ENTRANCE, AND GIVE IT TO THE BOARD SECRETARY. PLEASE DELIVER THE FORM PRIOR TO THE ITEM BEING HEARD BY THE BOARD. DURING THE PUBLIC COMMENT PERIOD, EACH SPEAKER IS LIMITED TO A MAXIMUM OF THREE MINUTES. AT THE DISCRETION OF THE CHAIRMAN, MORE TIME MAY BE GRANTED.

NOTE: INDIVIDUALS ARE ENCOURAGED TO SUBMIT WRITTEN STATEMENTS OF ANY LENGTH AND DETAIL TO THE BOARD. IT IS PREFERABLE THAT THESE STATEMENTS BE SUBMITTED AT **LEAST FIFTEEN DAYS PRIOR TO THE MEETING** SO THAT THE BOARD MEMBERS CAN PREVIEW THE INFORMATION BEFORE THE MEETING. PLEASE SUBMIT 12 COPIES OF ALL WRITTEN MATERIALS IN EXCESS OF TWO PAGES. THE BOARD WILL NOT REPRODUCE REPORTS IN EXCESS OF TWO PAGES OR LARGE MAPS, PHOTOS, OR OTHER DOCUMENTS REQUIRING SPECIAL HANDLING. **INDIVIDUALS ARE RESPONSIBLE FOR PRESENTING THEIR PROJECTS AT THE PUBLIC HEARING.**

NOTE: A CLOSED SESSION MAY BE CALLED BY THE CHAIRMAN TO DISCUSS LITIGATION AND OTHER PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS BY AUTHORITY OF GOVERNMENT CODE §11126(q) AND SACRAMENTO NEWSPAPER GUILD vs. SACRAMENTO COUNTY BOARD OF SUPERVISORS [1968] 266(b) CAL. APP. 2nd, 41; BASIS OF "LITIGATION" EXCEPTION IS THE ATTORNEY/CLIENT PRIVILEGE.

NOTE: AS A STATE AGENCY, THE BOARD IS GOVERNED BY THE BAGLEY-KEENE OPEN MEETING ACT THAT REQUIRES THE BOARD TO (1) PUBLISH AN AGENDA AT LEAST TEN DAYS IN ADVANCE OF ANY MEETING; (2) DESCRIBE IN THE AGENDA SPECIFIC ITEMS TO BE TRANSACTED OR DISCUSSED; AND, (3) REFUSE TO ADD AN ITEM AFTER THE AGENDA IS PUBLISHED.