



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; Kathy Lund

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CONFORMED MINUTES

THE POLICY AND LEGISLATION COMMITTEE

(Brian Baca, Committee Chair; Erin Garner)

OF THE

STATE MINING AND GEOLOGY BOARD

Conducted a Meeting on:

Thursday, January 12, 2011

9:30 A.M.

LOCATION:

Lake Elsinore Cultural Arts Center

183 North Main Street

Lake Elsinore, California 92530

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 9:30 A.M. by Committee Chairman Baca, with Member Garner and Member Lund absent, 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, December 8, 2011, Committee Meeting.

Committee Member Garner moved to approve the minutes. Committee Member Baca seconded and the motion was unanimously approved.

IV. Continued Business [Action]

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

2. Discussion of Proposed Regulatory Language for Due Process for the Placement of Mining Operations on, or Removal from, the AB 3098 List.

Executive Officer Testa noted that OMR periodically publishes a list of mines regulated under SMARA that meet provisions set forth under California's PRC Section 2717(b). This list is generally referred to as the AB 3098 List, in reference to the 1992 legislation, that established it. Sections 10295.5 and 20676 of the Public Contract Code preclude mining operations that are not on the AB 3098 List from selling sand, gravel, aggregates, or other mined materials, to state or local agencies. Although what is required to be on the list is clearly spelled out, procedures for removal or subsequent reinstatement to the list are less clearly defined. Since July 2010, the 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, and work on the current version continues.

- Local City resident, Paulie Terani, noted a considerable amount of information was submitted, and comments requested by state officials, and thus is hoping that the SMGB would consider continuing this matter for a later date.
- Local City resident, Linda Loreliner, inquired about administrative process.



- Committee Chairman Baca provided comments and a few minor edits to Revision 3.0 of the proposed regulatory language.

Committee Chairman Baca moved to direct the draft proposed regulatory language Revision 3.0 to the whole SMGB for potential rulemaking consideration, and to direct the Executive Officer to post the draft language on the SMGB's website. Committee Member Garner 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 was 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 S MGB 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 tentatively scheduled to be held in Sacramento on March 8, 2012.

X. Adjournment

The Committee meeting was adjourned at 9:50 A.M.

APPROVED

Brian Baca, Committee Chairman

Stephen M. Testa, Executive Officer

