

**STATE MINING AND GEOLOGY BOARD**

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgbERIN D. GARNER, CHAIR
BRIAN BACA, VICE CHAIRJOHN LANE
KATHY LUNDROBERT TEPEL
CHARLIE WYATT

January 12, 2012

Governor Edmund G. Brown, Jr.
State Capitol Building
Sacramento CA 95814Re: **State Mining and Geology Board**

Dear Governor Brown:

The State Mining and Geology Board (Board) should continue its work for the people of California. We recognize and support your efforts to streamline government and reduce expenditures. The elimination of the SMGB currently under consideration, however, will have the opposite effects. As the current members of this important Board, we urge you to take into account the following factors.

The Board currently implements the Seismic Hazards Mapping Act, Alquist-Priolo Earthquake Fault Zone Mapping Act, and Surface Mining and Reclamation Act (SMARA), and has served a vital role for the past 125 years in setting State policy regarding mineral resource planning, mine reclamation and geologic hazards. It has been the Board that has set the policies and guidelines, and high standards, set forth and implemented by the California Geological Survey in its efforts to protect Californians from such hazards as earthquakes, landslides, debris flows and other natural hazards

The Board's role in SMARA implementation is of particular importance. The Board adopts clarifying regulations to streamline the implementation of SMARA Statutes, and serves as an appeals body that provides independent oversight of local lead agency (City and County) and Department of Conservation (DOC) decisions. The Board also serves as the SMARA Lead Agency for three counties, the Bay Conservation and Development Commission, and a dozen cities.

A key function of the Board is to provide the public forum in which issues involving mineral resource planning can be raised and addressed. The shortage of permitted aggregate reserves in California has been a focus of Board discussion. As an example of the Board's efforts to conserve mineral resources, the SMGB Information Report on idle mines was

prepared and distributed to the legislature and other stakeholders. This report was extensively cited in the successful efforts to pass SB 108 this past legislative session. This bill allows many currently idle mines to remain in the State's inventory of mineral reserves.

The Board is comprised of nine members appointed by the Governor who represent various stakeholder groups and areas of expertise. The Board includes local government officials, expert geologists, environmental professionals, industry representatives and the general public. These members are volunteers who meet once per month and receive an honorarium of \$100 for each meeting. The Board operates with a staff of two persons (Executive Officer and Administrative Assistant). It is funded entirely by fees assessed on mining facilities and receives no general fund contribution. The Board actually reduces State costs by resolving many issues in an administrative hearing rather than in court. Although the Board is involved in litigation, this involvement is largely the result of the Board upholding on appeal decisions made by the Director of the Department of Conservation.

In summary, the functions and service provided by the Board cannot be duplicated by the staff of an administrative department. The elimination of the Board would transfer ultimate decision-making from an expert panel to a single individual. The opportunity of the public to be heard and administrative due process for affected entities would be lost. Furthermore, the elimination of the Board would cost money rather than save money.

For the reasons outlined above, we urge you to support the continued existence of the State Mining and Geology Board.

Sincerely,



Erin Garner
Chair



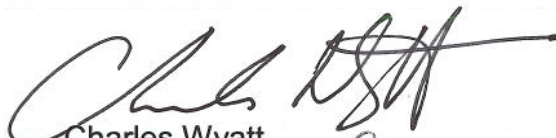
Brian R. Baca

Brian R. Baca
Vice Chair



Robert Tepel

Robert Tepel
Member



Charles Wyatt
Member



John Lane
Member