

§ 3698. Fees Calculation.

Title 14. Natural Resources
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board
Article 8. Fees Schedule

14 CCR § 3698

§ 3698. Fees Calculation.

Annual reporting fees cited in sections 3698 and 3699 shall be adjusted for the cost of living as measured by the California Consumer Price Index for all urban consumers, calendar year averages, using the percentage change in the previous year, ~~beginning with the 2005-2006 fiscal year~~ and annually thereafter.

(a) The annual reporting fee for a multiple site surface mining operation shall ~~not be more than the maximum fee in Public Resources Code, Section 2207~~ ~~be four thousand dollars (\$4,000).~~ An owner or operator of a mining operation may choose to pay either the multiple-site fee or individual fees for each mining operation per paragraph (c) below.

(b) The annual reporting fee for surface mining operations which are no longer in operation with no intent to resume, which had no mineral production in the reporting calendar year, and

(1) which did not complete reclamation during the reporting calendar year shall be \$100; or

(2) which completed reclamation during the reporting calendar year shall be \$100. Proof of completion of reclamation, approved by the lead agency, shall be submitted with this fee.

(c) Except as otherwise provided, the annual reporting fee for surface mining operations shall be calculated on the total primary mineral commodity produced in the reporting calendar year. A factor to determine the amount of fee adjustments from one reporting calendar year to the next shall be calculated according to the following formula:

$$[(AT_{RY}) - (AT_{PY})] / (AT_{PY}) = \text{Factor}$$

Where: Adjusted Total (AT) equals the Amount Requested by the Director, less a projected amount from fees set in CCR §3698(a)(b)(d)(e) and CCR §3699, and less a projected amount from mine operations subject to the maximum fee amount in Public Resources Code, Section 2207 ~~of \$4,000~~;

Where: ATRY is the Adjusted Total for the current "Reporting Year"

Where: ATPY is the Adjusted Total for the "Prior Year"

The new Fee Amount for each category is determined by the following formula^e (calculated amounts cannot be less than \$100 or more than the maximum fee in Public Resources Code, Section 2207 ~~\$4,000, as adjusted for the cost of living as measured by the California Consumer Price Index for all urban consumers, calendar year averages, using the percentage change in the previous year, beginning with the 2005-2006 fiscal year and annually thereafter~~, and may be rounded to the nearest \$1 (one dollar)):

~~Formula 1: Current Year Reporting Fee = Prior Year Reporting Fee times (1 + Factor) if Factor is positive;~~

~~Formula 2: Current Year Reporting Fee = Prior Year Reporting Fee times (1 - Factor) if Factor is negative.~~

(1) Operations where the primary mineral commodity produced is either aggregate products or industrial minerals shall be assessed a fee as follows:

Tons			Fee in Dollars
0	-	100	Formula 1 or 2 (not less than \$100)
>100	-	1,000	Formula 1 or 2
>1,000	-	10,000	Formula 1 or 2
>10,000	-	50,000	Formula 1 or 2
>50,000	-	100,000	Formula 1 or 2
<u>>100,000</u>		>100,000	4,000 <u>Maximum fee per Public Resources Code Section 2207</u>

(2) Operations where the primary mineral commodity produced is gold, silver, or precious metals shall be assessed a fee as follows:

Ounces			Fee in Dollars
0	-	1	Formula 1 or 2 (not less than \$100)

>1	-	10	Formula 1 or 2
>10	-	50	Formula 1 or 2
>50	-	150	Formula 1 or 2
>150	-	300	Formula 1 or 2
<u>>300</u>		<u>>300</u>	<u>4,000 Maximum fee per Public Resources Code Section 2207</u>

(3) Operations where the primary mineral commodity produced is base metals or other metals shall be assessed a fee as follows:

Pounds			Fee in Dollars
0	-	10	Formula 1 or 2 (not less than \$100)
>10	-	100	Formula 1 or 2
>100	-	1,000	Formula 1 or 2
>1,000	-	10,000	Formula 1 or 2
>10,000	-	20,000	Formula 1 or 2
<u>>20,000</u>		<u>>20,000</u>	<u>4,000 Maximum fee per Public Resources Code Section 2207</u>

(d) The initial reporting fee for surface mining operations shall be five hundred dollars (\$500).

(e) The annual reporting fee for newly permitted surface mining operations which have not yet begun operations shall be one hundred dollars (\$100).

(f) In addition to the annual reporting fees, the board shall collect five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver based on the amount of product mined within the state during the reporting year.

Note: Authority cited: Section 2207, Public Resources Code. Reference: Section 2207, Public Resources Code.