

OC SAND, GRAVEL AND MINERAL EXTRACTION CODE



OC PUBLIC WORKS ORANGE COUNTY CALIFORNIA

Adopted by the
Orange County Board of Supervisors

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2014 EDITION

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ORDINANCE NO. 15-006

AN ORDINANCE OF THE COUNTY OF ORANGE CALIFORNIA, REPEALING THE SAND, GRAVEL AND MINERAL EXTRACTION CODE; AND ADOPTING REVISED PROVISIONS OF THE SAND, GRAVEL AND MINERAL EXTRACTION CODE

The Board of Supervisors of the County of Orange, California, does ordain as follows:

SECTION 1. Article 1 of Division 10 of Title 7 of the Orange County Codified Ordinances is hereby repealed

SECTION 2. Article 1 of Division 10 of Title 7 of the Orange County Codified Ordinances is hereby adopted to read:

ARTICLE 1. REGULATIONS

Sec. 7-10-1. Title

This article shall be known as the "OC Sand, Gravel and Mineral Extraction Code of the County of Orange." All reference to this article shall include Sections 7-10-1 through 7-10-35.

Sec. 7-10-2. Purpose

Due to the nature of (1) existing or future pits which were or are being used or shall be used for the mining, quarrying, or commercial extraction of sand, gravel, rock, aggregate, clay or similar materials, and (2) operations for the mining, quarrying, or commercial extraction of sand, gravel, rock, aggregate, clay or similar materials, this Code is adopted to safeguard life, limb, property and the public welfare by establishing minimum safety standards for the maintenance of pits and the mining, quarry or commercial extraction of sand, gravel, rock, aggregate, clay or similar materials within the unincorporated territory of the County of Orange and to establish procedures pursuant to which such standards are to be enforced.

This Ordinance shall conform to the Public Resources Code, Division 2, Chapter 9, § 2710 et seq. known as "The Surface Mining and Reclamation Act of 1975 (SMARA) and Associated Regulations" and current regulations adopted by the County of Orange Board of Supervisors.

Sec. 7-10-3. Scope

Except as otherwise provided herein below, all existing and future pits or operations which are being and shall be or have been used for mining, quarrying, or commercial extraction of sand, gravel, rock, aggregate, clay or similar materials within the unincorporated territory of the County of Orange shall be maintained and conducted in compliance with the provisions of this Code; and SMARA and associated regulations. When a conflict exists between this Code and the Surface Mining Regulation Act of 1975; SMARA and the associated regulations will be the controlling authority. The County of Orange is the Lead Agency under SMARA. The provisions of this Code shall not apply to the following (Per PRC § 2714):

- (1) Excavation operations incidental to the development of property in which a specified quantity of material is to be removed to a predetermined elevation so that, upon completion, the site will be left suitable for development, and for which a valid grading permit is in force. The predetermined elevation shall be the finished surface shown on the grading plan. However, this exception shall not apply to any such excavation operations which are not completed within one (1) year from the date excavation operations are commenced. There shall be no renewals or extensions of this one year period.
- (2) Commercial batch plants and processing, or storage of sand, gravel, rock, aggregate, clay or similar materials where no extraction or excavation operations are conducted on the site. A grading permit may be required for disposal of waste material, as determined by the Building Official.

Sec. 7-10-4. Definitions

Per PRC § 2725 through § 2735 and SMARA Regulation § 3501:

All references to this Section shall include Sections 7-10-5 through 7-10-16. The following terms as used in this Code shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth.

Sec. 7-10-5. Definitions (A)

Abandoned Mine is defined as follows: Per PRC § 22721.1 “*Idle* means that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90 percent of its maximum annual mineral production within any of the last five years during which an interim management plan has not been approved.” Continuing, per PRC § 2770 (h) (6) “Unless review of an interim management plan is pending before the Lead Agency, or an appeal is pending before the Lead Agency’s governing body, a surface mining operation which remains idle for over one year after becoming idle as defined in PRC § 2727.1 without obtaining approval of an interim management plan shall be considered **abandoned** and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.”

Agency is OC Public Works of the County of Orange.

Sec. 7-10-6. Definitions (C)

Closure means termination of all obligations under the Zoning Code Sand and Gravel Extraction District Regulations, the Sand, Gravel and Mineral Extraction Code, and SMARA by virtue of having completed all requirements imposed by each.

Code is the Sand, Gravel and Mineral Extraction Code of the County of Orange.

Commercial Extraction Operation is the removal or displacement of sand, gravel, rock, aggregate, clay or similar materials conducted for financial gain.

Commercial Processing is the crushing, screening, washing or stockpiling of sand, gravel, rock, aggregate, clay or similar material which is to be sold for financial gain.

County is the County of Orange, State of California.

Sec. 7-10-7. Definitions (E)

Excavation, extraction and extraction operation (see commercial extraction operation)

Sec. 7-10-8. Definitions (I)

Idle Mine is defined as follows: Per PRC § 2727.1 “Idle” means that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90 percent of its maximum annual mineral production, within any of the last five years during which an interim management plan has not been approved.

Sec. 7-10-9. Definitions (L)

Lead Agency is defined as follows: Per PRC § 2728 “Lead agency means the city, county San Francisco Bay Conservation and Development Commission, or the board which has the principal responsibility for approving reclamation plan pursuant to this chapter.”

Sec. 7-10-10. Definitions (M)

Mined Lands includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located. (Per PRC § 2729)

Mining is the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations are further defined by § 2735 of SMARA and § 3501 “Definitions” of the State Mining and Geology Board Regulations.

Mining Waste includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations. (Per PRC § 2730)

Sec. 7-10-11. Definitions (O)

Operator is the person in charge and in control of surface mining operations himself or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Overburden means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (Per PRC § 2732)

Owner is a person who owns a site upon which a pit is located or upon which mining, quarrying, or commercial extraction operations are being conducted or may be conducted.

Sec. 7-10-12. Definitions (P)

Permit is any permit issued pursuant to the provisions of this Code, together with the application for same, the conditions upon which it was issued, and any plans, specifications, reports and approved modifications pertaining thereto.

Permittee is any person to whom a permit is issued pursuant to the provisions of this Code.

Person includes any individual, firm, association, corporation, organization or partnership, or any city, county, district, or any department or agency of the state.

Pit is any excavation or depression or hole in the ground, natural or artificial from which sand, gravel, rock, aggregate, clay or similar materials are being or have been dug, mined, extracted, or quarried.

Sec. 7-10-13. Definitions (Q)

Quarrying is the process of removing or extracting stone, rock or similar materials from an open excavation for financial gain.

Sec. 7-10-14. Definitions (R)

Reclamation means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. (Per PRC § 2733)

Sec. 7-10-15. Definitions (S)

Settling basin is an area devoted to the storage of waste residue.

Site is a lot or parcel of land, or a series of contiguous or adjacent lots or parcels of land described by a lease or similar document upon which a pit is located or upon which commercial extraction operations are being or may be conducted, and which is covered by a permit.

Slope is the exposed surface of an excavation or fill, which forms an incline.

SMARA is the Surface Mining and Reclamation Act of 1975 as amended (Public Resource Code Division 2, Chapter 9, § 2710 et seq.).

Sec. 7-10-16. Definitions (U)

Ultimate right-of-way is the right-of-way shown as ultimate on an adopted precise plan of highway alignment, or a street right-of-way shown within the boundary of a recorded tract map, a recorded parcel map, or a recorded PC development plan. The latest adopted or recorded document in the above cases shall take precedence. If none of these exist, the ultimate right-of-way shall be considered to be the right-of-way required by the highway classification as shown on the Master Plan of Arterial Highways. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way in the case of a private street, and the existing right-of-way, but not less than sixty (60) feet in the case of a public street.

Sec. 7-10-17. Permits Required

No person shall maintain a pit or commence or perform any operations or activities within the scope of this Code without first obtaining the appropriate permit(s) to do so as specified below:

- (a) **Extraction permit.** No person shall maintain a pit from which materials have been extracted since the enactment of this Code or perform any surface mining operations or activities without first obtaining an extraction permit.

An extraction permit may be issued via Planning Application, or other Discretionary Permit, by the Building Official for the maintenance of pits from which no materials have been extracted since the enactment of this Code, provided the pit is found to comply with Section 7-10-31 or Section 7-10-32 and all other applicable requirements of this Code have been met.

- (b) **Grading permit for repair of SG site.** Except as provided in Section 7-10-22, repair work required in order to bring a pit into compliance with the provisions of Section 7-10-29 shall be accomplished only after a grading permit for repair of a site zoned Sand and Gravel Extraction District (SG) has been obtained and the work shall be performed in compliance with the terms of said permit.

Sec. 7-10-18. Permit Procedure

- (a) An application for permit signed by the owner or his legally authorized agent shall be filed with OC Public Works upon forms provided by the Agency. The application shall be accompanied by a description of the site and such fees, plans, reports, and engineering data as are outlined in Sections 7-10-17, 7-10-18, 7-10-19, 7-10-20, 7-10-21.

- (b) The Building Official shall notify the State Department of Conservation within the thirty (30) days after the filing of an application for an extraction permit

Sec. 7-10-19. Plans of the Site

Plans signed by a registered civil engineer shall be submitted by the operator or his authorized agent with an application for a permit. The plans shall comply with the Orange County Zoning Code and the Surface Mining and Reclamation Act of 1975, including all reclamation requirements. Plans of the site shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless otherwise specified by the Building Official. The plans shall include but not be limited to the following items:

- (a) Property lines and lease lines, in addition to plans of the site. Plans of the site shall show operation limits and total disturbed area limits, including but not limited to, access roads (i.e. ingress and egress), etc.
- (b) Contours at five-foot intervals unless otherwise specified by the Building Official.
- (c) Required setbacks as recommended by a California Registered Civil Engineer or a California Certified Engineering Geologist of record.
- (d) Location of all existing and proposed structures, including processing plants, office buildings, and other appurtenant equipment.
- (e) Location of existing and proposed points of ingress and egress, haul roads, drive-ways and parking areas.
- (f) Location and approximate depth of existing and proposed settling basins, desilting ponds, and other bodies of water.
- (g) Method of disposing of on-site and off-site drainage.
- (h) The area to be excavated and typical cross sections of slopes to be formed or modified.
- (i) Location of existing and proposed fencing and screening landscaping.
- (j) Location for stockpiling of topsoil.
- (k) Location for stockpiling of spoils.
- (l) Pursuant to PRC § 2772.7
 - (1) A Lead Agency, upon approval of a reclamation plan or an amendment to a reclamation plan, shall record a "Notice of Reclamation Plan Approval" with the county recorder. The notice shall read: "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by OC Public Works (Lead Agency), a copy of which is on file with OC Public Works.

- (2) In addition to the information required by subdivision (a), the notice shall also include the name of the owner of record of the mine operation, the name of the Lead Agency, and the acknowledged signature of the Lead Agency representative.

Sec. 7-10-20. Reports and Engineering Data

- (a) Reports and engineering data, prepared by a California Registered Civil Engineer and a California Certified Engineering Geologist which are pertinent to the pit or operation shall accompany the application where the operator or permittee proposes to establish setbacks less than, or slopes steeper than those specified in Sections 7-10-31 and 7-10-32 or where required pursuant to Sections 7-10-31 and 7-10-32 due to close proximity to a watercourse or groundwater or where public safety or slope stability are issues.
- (b) **NOTES TO PROFESSIONAL PREPARERS OF DOCUMENTATION:**

All professional reports, documents, calculations, plans, specifications, maps, cross sections, borings or trench logs, and diagrams (documents hereafter) which must under applicable laws, regulations, or Codes, be prepared by or under the supervision of licensed professionals will not be accepted or considered by the State Mining and Geology Board (Board) or the Lead Agency, unless at least one copy of the document(s) bears an original signature, stamp impression or seal, and date affixed by the author in accordance with applicable laws and regulations.

Unless otherwise directed or agreed in advance, all professionally prepared documents included in State Mining and Geology Board, or Board committee, meeting packages or presented to the Board in a meeting, and to the Lead Agency, are to be in final form and must be signed, stamped or sealed, and dated in accordance with applicable laws and regulations.

Sec. 7-10-21. Compliance with Standards

The permit application plans, reports and engineering data shall indicate compliance with the standards specified in Sections 7-10-31 and 7-10-32.

A Registered Civil Engineer or Certified Engineering Geologist shall certify compliance with the vertical and horizontal limits or extraction each year, concurrent with the submittal of permit and inspection fees. The Building Official may require the owner or operator to furnish additional plans, reports, or other references, including aerial photographs to determine compliance with this Code and PRC, Division 2, Chapter 9, § 2710 et seq.

Sec. 7-10-22. Annual Reporting Requirement

- (a) The owner or the operator of a mining operation within the state and the unincorporated portions of the County of Orange, California shall forward to the director of the Department of Conservation and the Lead Agency, annually, not later than a date established by the director of the Department of Conservation and the Lead Agency, upon forms approved by

the State Mining and Geology Board from time to time, a report that identifies all of the following:

- (b)
- (1) The name, address, and telephone number of the person, company, or other owner of the mining operation.
 - (2) The name, address, and telephone number of a designated agent who resides in this state, and who will receive and accept service of all orders, notices, and processes of the Lead Agency, the State Mining and Geology Board, the director of the Department of Conservation, or court.
 - (3) The location of the mining operation, its name, its mine number as issued by the director of the Department of Conservation, its section, township, range, latitude, longitude, and approximate boundaries of the mining operation marked on a United States Geological Survey 7 1/2 –minute or 15-minute quadrangle map.
 - (4) The Lead Agency (County of Orange)
 - (5) The approval date of the mining operation’s reclamation plan.
 - (6) The mining operation’s status as active, idle, reclaimed, or in the process of being reclaimed.
 - (7) The commodities produced by the mine and the type of mining operation.
 - (8) Proof of annual inspection by the Lead Agency.
 - (9) Proof of financial assurances.
 - (10) Ownership of the property, including government agencies, if applicable, by the assessor’s parcel number, and total assessed value of the mining operation.
 - (11) The approximate permitted size of the mining operation subject to Chapter 9 (commencing with § 2710), in acres.
 - (12) The approximate total acreage of land newly disturbed by the mining operation during the previous calendar year.
 - (13) The approximate total of disturbed acreage reclaimed during the previous calendar year.
 - (14) The approximate total unreclaimed disturbed acreage remaining as of the end of the calendar year.
 - (15) The total production for each mineral commodity produced during the previous year.
 - (16) A copy of any approved reclamation plan and any amendments or conditions of approval to any existing reclamation plan approved by the Lead Agency.

- (c)
- (1) Every year, not later than the date established by the director of the Department of Conservation and the Lead Agency, the person submitting the report pursuant to subdivision (a) shall forward to the Lead Agency, upon forms furnished by the State Mining and Geology Board, a report that provides all of the information specified in paragraphs (1) to (16), inclusive, of subdivision (b).
 - (2) The owner or operator of a mining operation shall allow access to the property to any governmental agency or the agent of any company providing financial assurances in connection with the reclamation plan, in order that the reclamation can be carried out by the entity or company, in accordance with the provisions of the reclamation plan.
- (d) The Lead Agency, or the State Mining and Geology Board when acting as the Lead Agency, may impose a fee upon each mining operation to cover the reasonable costs incurred in implementing this chapter and Chapter 9 (commencing with § 2710). PRC § 2207 (e).
- (e) Payment of an annual fee, made out to the Lead Agency (i.e. the County of Orange, California) must be paid by July 1 of each calendar year, by each mine operator, in the amount of \$3,750.00 dollars. This is a fixed fee amount for activities, including but not limited to, the following: review of reclamation plans, financial assurances, environmental studies, application processing, inspections, compliance and enforcement activities, etc.

Sec. 7-10-22.1. Site Inspections

- (a) Prior to approval of any plans or the issuance of a permit, the Building Official may inspect the site to determine that the plans, reports or other data are accurate and sufficient.
- (b) The Building Official shall inspect each site regulated by this Code at the time of payment of annual fees as required by Section 7-10-22.3 (b) and at such other times as he deems necessary, for the purpose of ascertaining whether the operations are being conducted and the site maintained in conformity with the minimum standards of this Code, and applicable permits. Additionally, site mine inspections shall conform to SMARA regulations, specifically PRC § 2772, 2772.7, 2773, 2774 and SMARA Regulation § 3504.5 (a) – (g).
- (c) Whenever the Building Official determines that the work does not comply with the terms of the permit, or is not in compliance with the requirements of this Code, or that the soil or other conditions are not as stated on the permit, he shall notify the permittee of such fact in writing by personal service or by certified mail, demanding compliance within thirty (30) days from the date of such notice. If the permittee has not, within the stated time, complied with the terms of the permit, or requirements of the Code, or given reasonable assurances that steps are being taken to comply, the Building Official may order the permittee by personal service or by certified mail, to cease all work or any portion thereof and must comply with PRC § 2774.1.
- (d) An order issued under Subsection (c) shall not take effect until the permittee and/or operator has been provided a hearing before the Building Official concerning the alleged violation except in accordance with Section 7-10-33. Any order issued under Subsection (c) shall specify which aspects of the mining activity or operation are inconsistent with this Code, and/or with SMARA, shall specify a time for compliance which the Building Official

determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements, and shall set a date for the hearing, which shall not be sooner than 30 days after the date of the order pursuant to PRC § 274.1.

- (e) Pursuant to PRC § 2774 (b) of SMARA, the Building Official shall inspect each site regulated by this Code within six months of receipt of the operator's annual report required by Public Resources Code § 2207. The results of the inspection shall be sent to the State Department of Conservation, Office of Mine Reclamation (OMR).

Sec. 7-10-22.2 Idle Mines

- (a) Idle mines are subject to compliance with PRC § 2770 (h) (1). Specifically, within 90 days of an operation becoming idle as defined in § 2727.1, the operator must submit an Interim Management Plan to the Lead Agency and/or Building Official for approval, after a 45 day review period by the State Department of Conservation, Office of Mine Reclamation (OMR).
- (b) Idle mines shall be inspected annually and must maintain approved financial assurances for reclamation per PRC § 2770 (a) – (i).

Sec. 7-10-22.3. Fees

- (a) **Plan-checking and processing fee.** With the submission of an application for permit or whenever new plans are required to be submitted for review by the Department, a permit and processing fee in an amount specified by resolution of the Board of Supervisors shall be paid by the applicant, see Sections 7-10-21, 7-10-22 (e).
- (b) **Permit and inspection fee.** An annual fee in an amount to be specified by resolution of the Orange County Board of Supervisors shall be submitted to the Lead Agency by the first day of July of each year to cover the cost of inspection for the subsequent fiscal year, except that the initial fee shall be prorated on the basis of the portion of the fiscal year remaining with a minimum fee as determined by Orange County Board of Supervisors Resolution, see Sections 7-10-21, 7-10-22 (e).

Sec. 7-10-23. Terms and Expiration

Pursuant to PRC § 2779 “Whenever one operator succeeds to the interest of another in any incompleting surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.” Essentially, a conditional use permit goes with the land, and not the operator, and becomes a vested property right, and cannot be taken away unless the operator, for example, is out of compliance with the conditions of approval set forth in the permit.

Sec. 7-10-24. Revocation

The Building Official may, pursuant to the procedures provided in Section 7-10-22, revoke any permit if the pit or work covered by the permit has been extended beyond the limits of the permit, or if

any fences or walls or other protective devices required by the Code have not been constructed or maintained in good repair, or if other provisions of this Code or the permit have been violated by operator, owner, or permittee. If the permit is revoked, all mining activity shall cease and reclamation shall then commence.

Sec. 7-10-25. Renewal

Any extraction permit that has expired or been revoked may be renewed by making application to the Agency, upon the following conditions:

- (a) Submission of an application, up-to-date plans, reports and other data specified by this Code or required by the Building Official.
- (b) The site is in compliance with all applicable provisions of this Code and per PRC § 2710 et seq.
- (c) Payment of the fees required by Section 7-10-21 hereof.

Sec. 7-10-26. Not a Permit to Violate Law

The issuance, granting or renewal of a permit shall not be deemed or construed to be a permit for or an approval of any violation of the provisions of this Code or any other Code; and no permit presuming to give authority to violate or cancel the provisions of this Code shall be valid except insofar as the work or use which is authorized by the issuance, granting or renewal of the permit is lawful.

Sec. 7-10-27. Conformity to Plans

Upon issuance of a permit, the plans submitted by the applicant shall be approved and so stamped by the Lead Agency. The pit and all work pertinent thereto shall be maintained in conformity with the approved plans unless authorization to modify the pit or operation is obtained from the Building Official and the plans and records are so changed and noted per SMARA Regulations § 3502.

Sec. 7-10-28. Bonds

A corporate surety bond or other form of financial security in the form and amount specified below shall be submitted by each applicant for a permit to perform any mining, quarrying or commercial extraction of rock, sand, gravel aggregate, clay or similar products on private property in the unincorporated areas of Orange County; or any grading permit associated with the mineral extraction.

- (a) Every bond shall be executed by the operator and by a corporate surety insurer authorized to do business in this State as surety, or in lieu thereof, a written agreement for same accompanied by a deposit in cash or such other financial security as shall be approved by the manager of OC Public Works/Financial Services and County Counsel.
- (b) Every bond shall be in a form approved by the County Counsel of Orange County.

- (c) Every bond or other form of financial security in lieu thereof, shall, as a condition thereof, require that the operator shall faithfully comply with all provisions of this Code until the site is properly closed in conformity with the provisions of Sections 7-10-29 and 7-10-30 and PRC § 2773.1 (a) – (f).
- (d) The bond or other form of financial security shall secure the County of Orange against all costs, charges and expenses caused by the failure of the principal to fully comply with the provisions of this Code.
- (e) The bond or other form of financial security shall be in an amount set by Board of Supervisors resolution.
- (f) Whenever the Building Official finds that a default has occurred in the performance of any requirement of this Code, written notice as provided in Section 7-10-20 of this Code shall be given to the principal and surety on the bond, or depositor as the case may be. Such notice shall specify the default and demand correction within thirty (30) days, or such longer time as the Building Official may allow, on penalty of forfeiture of the reasonable costs of making the necessary corrections by the County. The Building Official shall proceed by such mode as he deems convenient to cause the required work to be performed and completed.
- (g) Any bond issued in compliance with these regulations shall be exonerated and the surety relieved of all obligations thereunder when the Building Official certifies that the site has been closed in conformity with all regulations of this Code.
- (h) A substitute bond may be filed in lieu of any bond on file hereunder and the Building Official shall accept and file the same if it is qualified and in proper form and substance and the bond for which it is substituted shall be exonerated, but only if the Building Official finds that no default exists as to performance upon which the bond is conditioned, to the date of substitution.

Sec. 7-10-28.1. Financial Assurance for Reclamation (PRC § 2773.1 (a) – (f))

- (a) An extraction permit shall not be issued or renewed for any site until the owner or operator furnishes the County of Orange with security in an amount determined by the Building Official to be sufficient for the remaining reclamation of those lands disturbed by mining activities since January 1, 1976 and those lands proposed to be disturbed in the forthcoming year in accordance with the SG site permit and reclamation plan for that site.
- (b) Any security given pursuant to SMARA PRC § 2773.1 shall be subject to a 45 day review period by the State Department of Conservation, Office of Mine Reclamation (OMR), shall be approved by the County Counsel, and shall be in one of the following forms:
 - (1) A bond or bonds by one or more duly authorized corporate sureties made payable to the County of Orange and the State Department of Conservation Office of Mine Reclamation (OMR).
 - (2) Cash or certificate of deposit all within a trust fund located in a local financial institution payable to the County of Orange and the State Department of Conservation.

- (3) A letter of credit from a financial institution payable to the County of Orange and the State Department of Conservation upon demand when accompanied by a letter from the Building Official and State Department of Conservation stating that the principal has not complied with the rehabilitation requirements of the SG site permit and reclamation plan.
 - (4) Other forms of financial assurance acceptable to the State pursuant to PRC § 2773.1 (a) - (f) (1), of SMARA.
- (c) Financial assurances shall be reviewed annually and, if necessary, adjusted to account for newly disturbed lands, land successfully reclaimed, and inflation.

Sec. 7-10-29. Closure

When all permitted activity and reclamation is complete, including provisions for continued maintenance, the operator shall notify the Building Official in writing and request a final inspection.

Within thirty (30) days of receiving a request for inspection, the Building Official will inspect the site for compliance with Section 7-10-31 and the requirements of the reclamation plan. Thereafter within fifteen (15) days, the permittee and the property owner will be notified in writing of the inspection results.

Whenever the Building Official determines that the site conforms to the provision of 7-10-31 and the requirements of the reclamation plan, he shall so note on the permit, notify the State Department of Conservation Office of Mine Reclamation (OMR) in writing, and upon their approval release all financial security.

Sec. 7-10-30. Standards for Closure

Each pit or mine which is to achieve closure shall, in addition to meeting the requirements of SMARA PRC § 2710 et seq., also be maintained in accordance with the following minimum standards.

(a) Setback and Slopes

- (1) The finished perimeter slope shall not be steeper than one and one-half (1 ½) feet horizontal to one (1) foot vertical projecting into the pit from a fifty-foot setback adjacent to the perimeter of the property, provided the slopes are determined to be stable by a California Registered Civil (Geotechnical) Engineer and a California Certified Engineering Geologist.
- (2) In addition, where the Building Official determines there is a possibility of potentially hazardous seepage or flow into a pit from a flood control channel, reservoir, conservation or flood retarding basin, or natural watercourse, he shall establish the setback and slope requirements based on the preservation of the integrity of the existing flood control channel, reservoir, conservation or flood retarding basin, or natural watercourse, so that the subject property shall continue to receive and carry off waters in a manner equal to that experienced prior to any excavation. Setback

requirements imposed under this Subsection may exceed the fifty-foot requirement set forth hereinabove, in the discretion of the Building Official but such setbacks may not be less than fifty (50) feet, as set forth in Section 7-10-30 (a) (1). Slope requirements may be greater or less than that set forth in Section 7-10-30 (a) (1), in the discretion of the Building Official. The applicant may be required to furnish reports and engineering data, engineering geological data and/or hydrogeological data as deemed necessary by the Building Official and SMARA Regulations; as set forth in Section 7-10-20 (a) (b), to justify the setback and slope requirement requested in such a case. The Building Official may require such reports and supplement data in any case.

- (3) Where the Building Official determines that the pit extends below, or in the future may extend below, groundwater elevations, the slopes shall not be steeper than the safe values as determined by the Building Official, based on the reports described in Section 7-10-20 (a) (b), which reports may be required by the Building Official in such a case.

These requirements may be modified by the Building Official in cases where safety conditions and engineering and geological data submitted to the Building Official for approval indicate that a less or more restrictive setback or slope ratio (H:V) may be allowed.

- (b) **Diversions.** No pit shall be maintained in or adjacent to the floodplain of any watercourse which by reason of the excavation's shape, location, berm elevations or area, in the opinion of the Building Official is likely to produce a diversion of the natural watercourse away from the pit and outside the natural watercourse in the event the flow from the watercourse enters the excavation.
- (c) **Drainage.** Adequate provision for conveyance of water across and from the site and for long-term retention of water shall be accomplished in a manner meeting the approval of the Building Official so as to minimize potential dangers from landsliding, erosion and sediment impacts on stream drainages.
- (d) **Fencing.** Other than in cases where data is submitted to the Building Official for approval and which data indicate to the Building Official that no safety hazards exist; a fence shall be constructed enclosing the area of each existing pit. Said fence shall be of steel, chain link type, and a minimum of six (6) feet in height above the existing grade of property outside the fenced area. The bottom of said fence shall conform to the ground surface so as to prevent any opening between it and the ground surface exceeding four (4) inches unless approved otherwise by the Building Official.
- (e) **Protective devices, correction and repair.** Whenever the Building Official determines that maintenance of protective devices or structures, or the correction of potentially unsafe conditions may be necessary for the protection of adjacent properties and the general public, he shall notify in writing the owner or other responsible person, who shall take such corrective action as necessary and shall post a surety bond or other financial security in an amount sufficient to insure the continued maintenance of the protective devices for such potentially unsafe conditions. A grading permit will be required for any repair work. The fees for such a permit shall be as specified by the adopted fee schedule of the County of Orange.

Sec. 7-10-31. Standards for Active and Idle Operations SMARA Regulations § 3503 (a) – (g); § 3504 (a) (b), and § 3504.5 (a) – (g) (see PRC § 2770 (h) (1) Operations.

The mining, quarrying and commercial extraction of sand, gravel, rock, aggregate, clay or similar products shall be performed in accordance with the following minimum standards:

(a) Setbacks

- (1) No excavation activities shall be within fifty (50) feet of:
 - a. The common property line of any parcel of land not used for the same purpose.
 - b. The ultimate right-of-way of any public street, either existing or whose precise alignment has been adopted by the Board of Supervisors.
- (2) In addition, where the Building Official determines there is a possibility of potentially hazardous seepage or flow into a pit from a flood control channel, reservoir, conservation or flood retarding basin, or natural watercourse, he shall establish the setback requirements based on the integrity of the slopes determined to be stable by a California Registered Civil (Geotechnical) Engineer and a California Certified Engineering Geologist, preservation of the integrity of the existing flood control channel, reservoir, conservation, or flood retarding basin, or natural watercourse, so that the subject property shall continue to receive and carry off waters in a manner equal to that experienced prior to any excavation.
- (3) Setback requirements imposed under this Section may exceed the fifty-foot requirement set forth hereinabove, in the discretion of the Building Official, but such setbacks may not be less than fifty (50) feet, as set forth in Section 7-10-29 (a) (1). The applicant may be required to furnish reports and engineering data, as set forth in Section 7-10-20, to justify the setback requirement requested in such a case. The Director of OC Public Works may require such reports in any case, provided the slopes are determined to be stable by a California Registered Civil (Geotechnical) Engineer and a California Certified Engineering Geologist.

(b) Slopes

- (1) Where the Building Official determines there is a potentially hazardous seepage into a pit from a flood channel, reservoir, conservation or flood retarding basin or natural watercourse; or where the Director determines that the pit extends below or in the future may extend below groundwater elevations; the finished perimeter slope shall not be steeper than two and one-half ($2 \frac{1}{2}$) feet horizontal to one (1) foot vertical, except as provided in Subsection 3 below, provided the slopes are determined to be stable by a California Registered Civil (Geotechnical) Engineer and a California Certified Engineering Geologist.
- (2) The finished perimeter slope shall not be steeper than one and one-half ($1 \frac{1}{2}$) feet horizontal to one (1) foot vertical projecting into the pit from the required setback line adjacent to the perimeter of the property, provided the slopes are determined to be stable by a California Registered Civil (Geotechnical) Engineer and a California Certified engineering Geologist.

- (3) Subsections 1 and 2 above notwithstanding, the slope requirement may be modified by the Building Official in cases where the Building Official determines that the proposed excavation operations present a potential hazard to adjacent property or where other safety conditions and engineering, geological, or hydrogeological data, as described in Section 7-10-18, submitted to the Building Official for approval, or as may be required by him, indicate that less restrictive slopes may be permitted or more restrictive slopes may be required.
- (c) **Diversions** No excavation shall be made or pit maintained in or adjacent to the floodplain of any watercourse which by reason of the excavation's shape, location, berm elevations or area, in the opinion of the Building Official is likely to produce a diversion of a natural watercourse away from the pit and outside the natural watercourse in the event that flows from the watercourse enter the excavation.
- (d) **Drainage** Adequate provisions for conveyance of water across and from the site and for long-term retention of water shall be accomplished in a manner meeting the approval of the Building Official so as to minimize potential dangers from landsliding, erosion, and any sediment impacts on stream drainage.
- (e) **Fencing** Prior to the commencement or continuation of any excavation or extraction operations or the construction or use of any settling basin, a fence shall be constructed enclosing the area of said proposed or existing excavation or settling basin, or the entire site, other than in cases where data are submitted to the Building Official for approval and which data indicate to the Building Official that no substantial safety hazards exist. Said fence shall be of steel, chain link type, and a minimum of six (6) feet in height above the existing grade of property outside the fenced area. The bottom of said fence shall conform to the ground surface so as to prevent any opening between it and the ground surface exceeding four (4) inches unless approved otherwise by the Building Official. Gates of the same material and height as the fence shall be installed at all points of vehicular or pedestrian ingress and egress. Said gates shall be equipped with keyed locks and shall be kept locked at all times when not in regular use. Said fence, gates and locks shall be maintained in good condition and repair.
- (f) **Boundary markers** The site shall be surveyed by a registered civil engineer authorized to do land surveying or licensed surveyor and the record of survey shall be recorded in the office of the Orange County Recorder. The boundaries shall be defined by a series of poles, (two-and-one-half-inch pipe) six (6) feet in height measured from the ground level and painted a bright color which shall be installed and maintained at each change of direction and along the entire length of the subject site in such a manner that an individual standing at one such pole can clearly see the next pole in either direction. The boundary to be marked shall be the permitted operational boundary. Marking of property lines and lease lines may also be required if determined to be necessary by the Building Official.
- For good cause shown, the Building Official may waive or modify this requirement for any extraction operations that are proposed to result in finished elevations that are not below the average natural ground elevations at the perimeter of the site, or for any extraction operations proposed to be located more than one thousand (1,000) feet from any property lines.
- (g) **Posting of signs** Within ninety (90) days after a permit has been issued pursuant to the provisions of this Code, the outer boundaries of the site shall be continuously posted with signs not less than five hundred (500) feet apart and at each change of direction of said boundary line

in such a manner as will reasonably give notice to passers-by of matters contained in such notice, stating in letters not less than four (4) inches in height: "CAUTION" and stating in letters not less than one (1) inch in height: "THIS PROPERTY MAY BE USED FOR THE MINING, QUARRYING OR COMMERCIAL EXTRACTION OF MATERIALS SUBJECT TO PERMITS ISSUED BY THE COUNTY OF ORANGE." Said signs shall be of wood or metal and shall be maintained in legible condition at all times. Signs posted in compliance with the "SG" District regulations of the Orange County Zoning Code shall be considered as satisfying this Section. The Building Official may waive this requirement for good cause shown.

Sec. 7-10-32. Responsibility

The permittee, operator, property owner and their authorized agents, and any other person in control of the property, individually and collectively, are responsible for the observation and compliance with all the provisions of this Code and SMARA and associated regulations. Such responsibility shall include the correction of any unsafe condition and the construction and continued maintenance of all fences, sediment and erosion control devices, and other protective devices required by this Code, SMARA and associated regulations, or as deemed necessary by the Building Official to protect the general public and adjacent properties.

In case the owner or other responsible person shall fail, neglect or refuse to perform the required corrections, maintenance, or repairs within the time specified in Section 7-10-20 after being notified in writing to do so by the Building Official, the Building Official may, in his sole and absolute discretion cause the required corrections, repairs, or maintenance to be done, and the cost thereof shall be a charge and expense against the owner and the land.

Sec. 7-10-33. Enforcement

If at any time the Building Official finds any owner, permittee, or operator is violating any of the provisions of the Code and/or SMARA and associated regulations, he may order compliance in the manner provided in Section 7-10-20. If compliance does not proceed, the Building Official may, at the end of thirty (30) days, or in the absence of reasonable assurance given as provided in Section 7-10-20, order immediate cessation of operations.

However, if in the opinion of the Building Official, an immediate and substantial hazard exists to adjacent property or the general public, the Director of OC Public Works may order immediate cessation of that portion of the operation which may contribute to such a hazard within the thirty-day period provided in Section 7-10-22 (c), and which cessation shall continue until correction of the hazardous condition.

Sec. 7-10-34. Penalty PRC § 2774.1 (a) – (g)

(a) Criminal PRC § 2774.1 (a) – (g)

Any person in violation of any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment. Each such person

shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted by such person and shall be punishable thereof as herein provided.

(b) **Administrative PRC § 2774.1 (a) – (g)**

Any permittee and/or operator who violates or fails to comply with an order issued under Subsection (c) of Section 7-10-20 after the order's effective date, as provided by Subsection (d) of Section 7-10-20, or who fails to submit a report to the County as required by Public Resources Code § 2207, shall be subject to an order by the Building Official imposing an administrative penalty of not more than five thousand dollars (\$5,000.00) per day, assessed from the original date of non-compliance with this Code or Public Resources Code § 2207. The penalty may be imposed administratively by the Building Official. In determining the amount of the administrative penalty, the Building Official shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and any other matters justice may require. Order setting administrative penalties shall become effective upon issuance thereof and payment shall be made to the County within thirty (30) days, unless the permittee and/or operator petitions the Board of Supervisors of the County, or the Superior Court for review as provided in Section 7-10-35 of this Code and/or Public Resources Code § 2774.2. Any order shall be served by personal service or by certified mail upon the permittee and/or operator.

(c) **Public Nuisance PRC § 2774.1 (a) – (g)**

(1) Any mining, quarrying, or commercial processing performed and/or maintained on any site in the County of Orange contrary to, or not in compliance with the provisions of this Code shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal, or neglect to obtain a permit as required by the terms of this Code shall be prima facie evidence of the fact that a public nuisance has been committed.

(2) The County may commence an appropriate civil action to abate a public nuisance. Any civil action shall be preceded by a finding by the Board of Supervisors and by the Building Official that a violation of this Code has occurred.

(d) **Other**

Penalties and/or remedies under this Section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal, including but not limited to injunctive relief, and to the penalties provided by § 2774.1 (a) – (g) of the Public Resources Code.

Sec. 7-10-35. Right of Appeal PRC § 2774.2 (a) – (e)

- (a) Within thirty (30) days of the issuance of an order setting administrative penalties under Subsection (b) of Section 7-10-34, the permittee and/or operator may petition the Board of Supervisors of the County for review of the order. If the permittee and/or operator does not petition for review within the time limits set by this Subsection, the

order setting administrative penalties shall not be subject to review by any court or agency.

- (b) The Board of Supervisors of the County shall notify the permittee and/or operator by personal service or certified mail whether it will review the order setting administrative penalties. In reviewing an order pursuant to this Section, the record shall consist of the record before the Building Official, and any other relevant evidence which, in the judgment of the legislative body or the Board, should be considered to effectuate and implement the policies of this chapter.
- (c) The Board of Supervisors of the County may affirm, modify, or set aside, in whole or in part, by its own order, any order of the Building Official setting administrative penalties.
- (d) Any order of the Board of Supervisors of the County issued under subdivision (c) shall become effective upon issuance thereof, unless the permittee and/or operator petition(s) the Superior Court for review. Any order shall be served by personal service or by certified mail upon the permittee and/or operator. Payment of any administrative penalty which is specified in an order issued under subdivision (c), shall be made to the County within thirty (30) days of service of the order; however, the payment shall be held in an interest bearing impound account pending the resolution of a petition for review filed pursuant to subdivision (e) of Public Resources Code § 2774.2 (a) – (e).

CA Mine ID # _____

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Corporation

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

and the

(COUNTY/CITY) OF _____

SURETY BOND (CORPORATION)

(Public Resources Code §2773.1)

Bond No. _____

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED

_____,
(Name of Corporation - Permittee and Principal, whose address for service is:)

_____,
(Street Address) (City) (State) (Zip)

a corporation organized and existing under the laws of the State of _____, as
Principal, and _____,

(Name of Surety Company, whose address for service is:)

_____,
(Street Address) (City) (State) (Zip)

organized and existing under the laws of the State of _____ and
licensed to do business in the State of California, as Surety, are held and firmly bound unto
the City/County of _____ and, in the alternative, the Department of
Conservation, Office of Mine Reclamation, and, in the alternative, the _____

(Third Party)

_____ in the penal sum of _____
Public Agency)

_____ DOLLARS (\$ _____) for
the payment of which sum we hereby jointly and severally bind ourselves, our successors, and
assigns. In the event of forfeiture by the Principal, the Obligees agree that, in the
aggregate, they shall not demand in excess of the penal sum of this bond.

THE CONDITION OF THE ABOVE OBLIGATION is such that:

Whereas, the above-named Principal has submitted _____,
(Permit or Reclamation Plan Application)

No. _____, including a mining and reclamation plan, to reclaim a surface mining
operation, as defined pursuant to the Surface Mining and Reclamation Act, Public Resources
Code, Division 2, Chapter 9, §2710 et seq. (the Act), and its attendant regulations
(California Code of Regulations, Title 14, §3500 et seq.); and

Whereas, a demand has been made upon Principal for security under Public
Resources Code §2773.1, to insure compliance with the Act; and this bond is executed and
tendered in accordance therewith;

CA Mine ID # _____
Bond No. _____

(Page 2 of 5)
Corporation

Whereas, the Principal has chosen to file this performance bond as a guarantee that the reclamation of the land disturbed during this surface mining operation will be completed as required by the Act and regulations, and as specified in the Permit and Reclamation Plan as approved by the City/County of _____;

Whereas, the Surety and their successors and assigns agree to guarantee the obligation and to indemnify the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____
(Third Party Public Agency)
from the failure of the Principal to complete the reclamation of the land disturbed during the surface mining operation in conformity with the Act and regulations and as specified in the Permit and Reclamation Plan as approved by the City/County of _____, subject to the penal sum of this bond;

Whereas, the surety, as part of the obligation secured by this bond, and in addition to the penal sum specified in this bond, agrees there shall be included costs and reasonable expenses and fees, including reasonable attorney fees, incurred by the County, and in the alternative, the Department of Conservation, Office of Mine Reclamation, and, in the alternative, the _____
(Third Party Public Agency)
in successfully enforcing such obligation against the surety, all to be taxed as costs and included in any judgment rendered;

Whereas, obligations guaranteed by this performance bond shall be in effect for the following described lands which are subject to the approved mining and reclamation plan or increment upon which initial or succeeding operations by the principal will be conducted:

(Insert legal description)

_____;

Now, if the Principal faithfully completes all reclamation requirements set forth in the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, then this obligation shall be void; otherwise, it shall remain in full force and effect:

- (a) beginning on the date of the approval and issuance of Permit No. _____ (or Reclamation Plan No. _____), or prior to commencement of surface disturbance, and extending until all reclamation and restoration work pursuant to the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, has been completed to the satisfaction of the City/County of _____, and, in the alternative, the Department of Conservation, Office of Mine Reclamation; and, in the alternative, the _____; and,
(Third Party Public Agency)

CA Mine ID # _____
Bond No. _____

(Page 3 of 5)
Corporation

- (b) until the bond is released or replaced, or until the permit has been sold, reassigned or otherwise transferred in accordance with the Act and its attendant regulations.

The failure of the Principal to fulfill mined land reclamation obligations specified by the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, shall result in a forfeiture of this performance bond according to the procedures described in the Act.

The amount of the Surety's liability may be adjusted by the City/County of _____ and, in the alternative, the Department of Conservation, Office of Mine Reclamation and, in the alternative, the _____

(Third Party Public Agency) pursuant to the Act for lands covered by this bond which have been disturbed by the Principal, or for which reclamation has been completed and approved by the City/County of _____ and in the alternative, the Department of Conservation, Office of Mine Reclamation. If the penal sum of this bond requires adjustment, it shall be by use of an Increase/Decrease Rider.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the _____, No. _____

(Permit or Reclamation Plan Application) or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the _____

(Permit or Reclamation Plan Application), No. _____ or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to surety's obligations hereunder and are hereby waived by surety.

The Surety will give prompt notice to the Principal, the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____ of any notice received or action filed alleging

(Third Party Public Agency) the insolvency or bankruptcy of the Surety, or alleging any violations or regulatory requirements which could result in suspension or revocation of the Surety's license to do business.

In the event the Surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the Principal, the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____.

(Third Party Public Agency)

Upon the incapacity of the Surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the Principal shall be deemed to be without bond coverage in violation of the Act, and subject to enforcement actions described in the Act.

CA Mine ID # _____
Bond No. _____

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Corporation

IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

Date _____

(Corporation - Permittee [Principal])

By: _____
(Signature of Corporate Officer)

(Corporate Seal)

Typed or Printed Name

Title: _____

I declare, under penalty of perjury, under the laws of the State of California, that I have executed the foregoing bond under an unrevoked Power of Attorney.

(Surety Company)

By: _____
(Signature of Attorney-in-Fact for Surety)

(Seal)

Typed or Printed Name

Title: _____

Executed in _____ on _____ under
(City and State) (Date)
the laws of the State of California.

(Note: Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.)

CA Mine ID # _____
Bond No. _____

(Page 5 of 5)
Corporation

ACKNOWLEDGMENT OF CORPORATION - PERMITTEE

State of _____ SS.
County of _____

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

ACKNOWLEDGMENT OF SURETY

State of _____ SS.
County of _____

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

NOTE: Please identify the agent acting on behalf of the surety, if applicable.

AGENT _____ PHONE _____

ADDRESS _____

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

and the

(COUNTY/CITY) OF _____

**RECLAMATION PERFORMANCE BOND
GENERAL PURPOSE RIDER**

To be attached to and form a part of Surety Company Bond No. _____
written by _____
as SURETY, on behalf of _____
as PRINCIPAL, in the penal sum of _____
_____ DOLLARS (\$ _____), in favor of the County/City of _____
and, in the alternative, the Department of Conservation, Office of Mine
Reclamation, and, in the alternative, the _____
(Third Party Public Agency)
and executed on _____.

Whereas, the County/City of _____ issued approval of a
surface mining and reclamation project, Permit No. _____, dated on
_____, and renewals and revisions numbered and dated
_____ pursuant to the application of the Principal,

OR

Whereas, either the County/City of _____ or, in the
alternative, the State Mining and Geology Board approved reclamation plan No. _____,
dated on _____, and renewals and revisions
numbered and dated _____ pursuant to the application of
the Principal;

and

Whereas, said bond and rider shall cover any and all land affected or to be affected
by the mining operation under the above mentioned permit and reclamation plan or the
reclamation plan, and revisions and renewals since the date of the issuance of the permit
and reclamation plan or the reclamation plan,

Now, therefore, the purpose of this rider is: _____

It is further understood and agreed that all other terms and conditions of this bond shall
remain unchanged.

CA Mine ID # _____

Permit No. _____

Bond No. _____

IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

PRINCIPAL

Date _____
_____ (Company - Permittee [Principal])

By: _____
(Corporate Officer/Partners/Sole Proprietor)

(Seal)

Typed or Printed Name

Title: _____

SURETY

I declare, under penalty of perjury, under the laws of the State of California, that I have executed the foregoing rider under an unrevoked Power of Attorney.

By: _____
(Signature of Attorney-in-Fact for Surety)

(Seal)

Typed or Printed Name

Title: _____

Executed in _____ on _____ under
(City and State) (Date)
the laws of the State of California.

(Note: Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.)

CA Mine ID # _____

Permit No. _____
Bond No. _____

ACKNOWLEDGMENT OF PERMITTEE

State of _____
County of _____ SS.

On this ____ of _____, in the year _____, before me, _____
(name and quality of officer), personally appeared _____, personally known
to me (or proved to me on the basis of satisfactory evidence) to be the person(s)
whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

ACKNOWLEDGMENT OF SURETY

State of _____
County of _____ SS.

On this ____ of _____, in the year _____, before me, _____
(name and quality of officer), personally appeared _____, personally known
to me (or proved to me on the basis of satisfactory evidence) to be the person(s)
whose name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

NOTE: Please identify the agent acting on behalf of the surety, if applicable.

AGENT _____ PHONE _____
ADDRESS _____

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

and the

COUNTY/CITY OF _____

**RECLAMATION PERFORMANCE BOND
INCREASE/DECREASE RIDER**

To be attached to and form a part of Surety Company Bond No. _____,
written by _____ as
SURETY, on behalf of _____
as PRINCIPAL, in the penal sum of _____
_____ DOLLARS (\$ _____), in favor of the County/City of
_____ and, in the alternative, the Department of Conservation, Office of Mine
Reclamation, and, in the alternative, the _____
(Third Party Public Agency)
and executed on _____.

Whereas, the County/City of _____ issued approval of a surface
mining and reclamation project, Permit No. _____, dated on
_____, and renewals and revisions numbered and dated
_____ pursuant to the application of the Principal,

OR

Whereas, either the County/City of _____ or, in the alternative,
the State Mining and Geology Board approved reclamation plan No. _____
_____, dated on _____, and renewals and revisions
numbered and dated _____ pursuant to the application
of the Principal;

and

Whereas, said bond and rider shall cover any and all land affected or to be affected
by the mining operation under the above mentioned permit and reclamation plan or the
reclamation plan, and revisions and renewals since the date of the issuance of the permit
and reclamation plan or the reclamation plan,

Now, therefore, the amount of this bond is increased/decreased by _____
_____ Dollars
(\$ _____), to a total penal sum of _____
_____ Dollars (\$ _____), to
cover the additional/reduced cost of reclaiming all affected lands for the payment of which
sum we hereby jointly and severally bind ourselves, our successors and assigns. It is further
understood and agreed that all other terms and conditions of this bond shall remain
unchanged.

CA Mine ID # _____

Permit No. _____

Bond No. _____

IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

PRINCIPAL

Date _____

(Company - Permittee [Principal])

By: _____

(Corporate Officer/Partners/Sole Proprietor)

(Seal)

Typed or Printed Name

Title: _____

SURETY

I declare, under penalty of perjury, under the laws of the State of California, that I have executed the foregoing rider under an unrevoked Power of Attorney.

By: _____

(Signature of Attorney-in-Fact for Surety)

(Seal)

Typed or Printed Name

Title: _____

Executed in _____ on _____ under
(City and State) (Date)
the laws of the State of California.

(Note: Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.)

CA Mine ID # _____

Permit No. _____

Bond No. _____

ACKNOWLEDGMENT OF PERMITTEE

State of _____

SS.

County of _____

On this ____ of _____, in the year _____, before me, _____

(name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L.S.

Notary's Signature
My Commission Expires: _____

ACKNOWLEDGMENT OF SURETY

State of _____

SS.

County of _____

On this ____ of _____, in the year _____, before me, _____

(name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L.S.

Notary's Signature
My Commission Expires: _____

NOTE: Please identify the agent acting on behalf of the surety, if applicable.

AGENT _____ PHONE _____

ADDRESS _____

CA Mine ID # _____

(Page 1 of 6)
Partnership

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

and the

(COUNTY/CITY) OF _____

SURETY BOND (PARTNERSHIP)

(Public Resources Code §2773.1)

Bond No. _____

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED

_____,
(Partnership - Permittee and Principal, whose address for service is:)

(Street Address) (City) (State) (Zip)

a partnership, as Principal, and

_____,
(Name of Surety Company, whose address for service is:)

(Street Address) (City) (State) (Zip)

organized and existing under the laws of the State of _____ and licensed to do business in the State of California, as Surety, are held and firmly bound unto the City/County of _____ and, in the alternative, the Department of Conservation, Office of Mine Reclamation, and, in the alternative, the _____

_____ (Third Party)
_____ in the penal sum of _____
Public Agency)

_____ DOLLARS (\$ _____) for the payment of which sum we hereby jointly and severally bind ourselves, our successors, and assigns. In the event of forfeiture by the Principal, the Obligees agree that, in the aggregate, they shall not demand in excess of the penal sum of this bond.

THE CONDITION OF THE ABOVE OBLIGATION is such that:

Whereas, the above-named Principal has submitted _____,
(Permit or Reclamation Plan Application)

No. _____, including a mining and reclamation plan, to reclaim a surface mining operation, as defined pursuant to the Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, §2710 *et seq.* (the Act), and its attendant regulations (California Code of Regulations, Title 14, §3500 *et seq.*); and

Whereas, a demand has been made upon Principal for security under Public Resources Code §2773.1, to insure compliance with the Act; and this bond is executed and tendered in accordance therewith;

CA Mine ID # _____
Bond No. _____

(Page 2 of 6)
Partnership

Whereas, the Principal has chosen to file this performance bond as a guarantee that the reclamation of the land disturbed during this surface mining operation will be completed as required by the Act and regulations, and as specified in the Permit and Reclamation Plan as approved by the City/County of _____;

Whereas, the Surety and their successors and assigns agree to guarantee the obligation and to indemnify the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____
(Third Party Public Agency)
from the failure of the Principal to complete the reclamation of the land disturbed during the surface mining operation in conformity with the Act and regulations and as specified in the Permit and Reclamation Plan as approved by the City/County of _____, subject to the penal sum of this bond;

Whereas, the surety, as part of the obligation secured by this bond, and in addition to the penal sum specified in this bond, agrees there shall be included costs and reasonable expenses and fees, including reasonable attorney fees, incurred by the County, and in the alternative, the Department of Conservation, Office of Mine Reclamation, and, in the alternative, _____ in successfully enforcing
(Third Party Public Agency)
such obligation against the surety, all to be taxed as costs and included in any judgment rendered;

Whereas, obligations guaranteed by this performance bond shall be in effect for the following described lands which are subject to the approved mining and reclamation plan or increment upon which initial or succeeding operations by the principal will be conducted:

(Insert legal description)

_____;

Now, if the Principal faithfully completes all reclamation requirements set forth in the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, then this obligation shall be void; otherwise, it shall remain in full force and effect:

- (a) beginning on the date of the approval and issuance of Permit No. _____ (or Reclamation Plan No. _____), or prior to commencement of surface disturbance, and extending until all reclamation and restoration work pursuant to the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, has been completed to the satisfaction to the City/County of _____, and in the alternative, the Department of Conservation, Office of Mine Reclamation; and, in the alternative, the _____; and,
(Third Party Public Agency)

CA Mine ID # _____
Bond No. _____

(Page 3 of 6)
Partnership

- (b) until the bond is released or replaced, or until the permit has been sold, reassigned or otherwise transferred in accordance with the Act and its attendant regulations.

The failure of the Principal to fulfill mined land reclamation obligations specified by the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, shall result in a forfeiture of this performance bond according to the procedures described in the Act.

The amount of the Surety's liability may be adjusted by the City/County of _____ and, in the alternative, the Department of Conservation, Office of Mine Reclamation and, in the alternative, the _____
(Third Party Public Agency)
pursuant to the Act for lands covered by this bond which have been disturbed by the Principal, or for which reclamation has been completed and approved by the City/County of _____ and, in the alternative, the Department of Conservation, Office of Mine Reclamation. If the penal sum of this bond requires adjustment, it shall be by use of an Increase/Decrease Rider.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the _____, No. _____
(Permit or Reclamation Plan Application)
or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the _____
(Permit
_____ No. _____ or to the work or to the specifications. Surety
or Reclamation Plan Application)
further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to surety's obligations hereunder and are hereby waived by surety.

The Surety will give prompt notice to the Principal, the City/County of _____
_____, the Department of Conservation, Office of Mine Reclamation and the _____
(Third Party Public Agency)
of any notice received or action filed alleging the
insolvency or bankruptcy of the Surety, or alleging any violations or regulatory requirements which could result in suspension or revocation of the Surety's license to do business.

In the event the Surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the Principal, the City/County of _____
_____, the Department of Conservation, Office of Mine Reclamation and the _____
(Third Party Public Agency)

Upon the incapacity of the Surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the Principal shall be deemed to be without bond coverage in violation of the Act, and subject to enforcement actions described in the Act.

CA Mine ID # _____
Bond No. _____

(Page 4 of 6)
Partnership

IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

Date _____

(Partnership - Permittee [Principal])

(Seal) By: _____
(Signature of Partner)

Typed or Printed Name

By: _____
(Signature of Partner)

I declare under penalty of perjury, under the laws of the State of California, that I have executed the foregoing bond under an unrevoked Power of Attorney.

(Surety Company)

(Seal) By: _____
(Signature of Attorney-in-Fact for Surety)

Typed or Printed Name

Title: _____

Executed in _____ on _____ under
(City and State) (Date)
the laws of the State of California.

(Note: Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.)

CA Mine ID # _____
Bond No. _____

(Page 5 of 6)
Partnership

ACKNOWLEDGMENT OF PARTNERSHIP - PERMITTEE

State of _____
County of _____ SS.

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

ACKNOWLEDGMENT OF PARTNERSHIP - PERMITTEE

State of _____
County of _____ SS.

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

CA Mine ID # _____
Bond No. _____

(Page 6 of 6)
Partnership

ACKNOWLEDGMENT OF SURETY

State of _____

SS.

County of _____

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally

known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L.S.

Notary's Signature
My Commission Expires: _____

NOTE: Please identify the agent acting on behalf of the surety, if applicable.

AGENT _____ PHONE _____

ADDRESS _____

CA Mine ID # _____

(Page 1 of 5)
Sole Proprietorship

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

and the

(COUNTY/CITY) OF _____

SURETY BOND (SOLE PROPRIETORSHIP)

(Public Resources Code §2773.1)

Bond No. _____

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED

_____ d/b/a
(Name of Individual)

_____ (Name of Company - Permittee and Principal, whose address for service is:)

_____,
(Street Address) (City) (State) (Zip)

a sole proprietorship, as Principal, and _____,
(Name of Surety Company, whose address for service is:)

_____,
(Street Address) (City) (State) (Zip)

organized and existing under the laws of the State of _____ and licensed to do business in the State of California, as Surety, are held and firmly bound unto the City/County of _____ and, in the alternative, the Department of Conservation, Office of Mine Reclamation, and, in the alternative, the _____
(Third Party)

_____ in the penal sum of _____
Public Agency)

_____ DOLLARS (\$ _____), for the payment of which sum we hereby jointly and severally bind ourselves, our successors, and assigns. In the event of forfeiture by the Principal, the Obligees agree that, in the aggregate, they shall not demand in excess of the penal sum of this bond.

THE CONDITION OF THE ABOVE OBLIGATION is such that:

Whereas, the above-named Principal has submitted _____,
(Permit or Reclamation Plan Application)

No. _____, including a mining and reclamation plan, to reclaim a surface mining operation, as defined pursuant to the Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, §2710 et seq. (the Act), and its attendant regulations (California Code of Regulations, Title 14, §3500 et seq.); and

Whereas, a demand has been made upon Principal for security under Public Resources Code §2773.1, to insure compliance with the Act; and this bond is executed and tendered in accordance therewith;

CA Mine ID # _____
Bond No. _____

(Page 2 of 5)
Sole Proprietorship

Whereas, the Principal has chosen to file this performance bond as a guarantee that the reclamation of the land disturbed during this surface mining operation will be completed as required by the Act and regulations, and as specified in the Permit and Reclamation Plan as approved by the City/County of _____;

Whereas, the Surety and their successors and assigns agree to guarantee the obligation and to indemnify the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____
(Third Party Public Agency)
from the failure of the Principal to complete the reclamation of the land disturbed during the surface mining operation in conformity with the Act and regulations and as specified in the Permit and Reclamation Plan as approved by the City/County of _____, subject to the penal sum of this bond;

Whereas, the surety, as part of the obligation secured by this bond, and in addition to the penal sum specified in this bond, agrees there shall be included costs and reasonable expenses and fees, including reasonable attorney fees, incurred by the City/County, and in the alternative, the Department of Conservation, Office of Mine Reclamation, and, in the alternative, _____ in successfully enforcing
(Third Party Public Agency)
such obligation against the surety, all to be taxed as costs and included in any judgment rendered;

Whereas, obligations guaranteed by this performance bond shall be in effect for the following described lands which are subject to the approved mining and reclamation plan or increment upon which initial or succeeding operations by the principal will be conducted:

(Insert legal description)

_____;

Now, if the Principal faithfully completes all reclamation requirements set forth in the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, then this obligation shall be void; otherwise, it shall remain in full force and effect:

- (a) beginning on the date of the approval and issuance of Permit No. _____ (or Reclamation Plan No. _____), or prior to commencement of surface disturbance, and extending until all reclamation and restoration work pursuant to the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, has been completed to the satisfaction to the City/County of _____, and in the alternative, the Department of Conservation, Office of Mine Reclamation; and, in the alternative, the _____; and
(Third Party Public Agency)

CA Mine ID # _____
Bond No. _____

(Page 3 of 5)
Sole Proprietorship

- (b) until the bond is released or replaced, or until the permit has been sold, reassigned or otherwise transferred in accordance with the Act and its attendant regulations.

The failure of the Principal to fulfill mined land reclamation obligations specified by the Act, the regulations, and all conditions of the permit related to reclamation, including the mining and reclamation plan, shall result in a forfeiture of this performance bond according to the procedures described in the Act.

The amount of the Surety's liability may be adjusted by the City/County of _____, and in the alternative, the Department of Conservation, Office of Mine Reclamation, and, in the alternative, the _____ pursuant
(Third Party Public Agency)
to the Act for lands covered by this bond which have been disturbed by the Principal, or for which reclamation has been completed and approved by the City/County of _____, and in the alternative, the Department of Conservation, Office of Mine Reclamation. If the penal sum of this bond requires adjustment, it shall be by use of an Increase/Decrease Rider.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the _____, No. _____,
(Permit or Reclamation Plan Application)
or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the _____
(Permit or Reclamation Plan Application), No. _____ or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to surety's obligations hereunder and are hereby waived by surety.

The Surety will give prompt notice to the Principal, the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____ of any notice received or action filed alleging the insolvency
(Third Party Public Agency)
or bankruptcy of the Surety, or alleging any violations or regulatory requirements which could result in suspension or revocation of the Surety's license to do business.

In the event the Surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the Principal, the City/County of _____, the Department of Conservation, Office of Mine Reclamation and the _____.
(Third Party Public Agency)

Upon the incapacity of the Surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the Principal shall be deemed to be without bond coverage in violation of the Act, and subject to enforcement actions described in the Act.

CA Mine ID # _____
Bond No. _____

(Page 4 of 5)
Sole Proprietorship

IN WITNESS THEREOF, the Principal and Surety have hereunto set their signatures and seals as of the dates set forth below.

Date _____
(Seal) _____
By: _____
(Signature of Individual - Sole Proprietor)

Typed or Printed Name

I declare under penalty of perjury, under the laws of the State of California, that I have executed the foregoing bond under an unrevoked Power of Attorney.

(Seal) _____
By: _____
(Signature of Attorney-in-Fact for Surety)

Typed or Printed Name
Title: _____

Executed in _____ on _____ under
(City and State) (Date)
the laws of the State of California.

(Note: Where one signs by virtue of a Power of Attorney for a Surety Company, such fully executed Power of Attorney must be filed with this bond.)

CA Mine ID # _____
Bond No. _____

(Page 5 of 5)
Sole Proprietorship

ACKNOWLEDGMENT OF COMPANY - PERMITTEE

State of _____ SS.
County of _____

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

ACKNOWLEDGMENT OF SURETY

State of _____ SS.
County of _____

On this ____ of _____, in the year _____, before me, _____ (name and quality of officer), personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

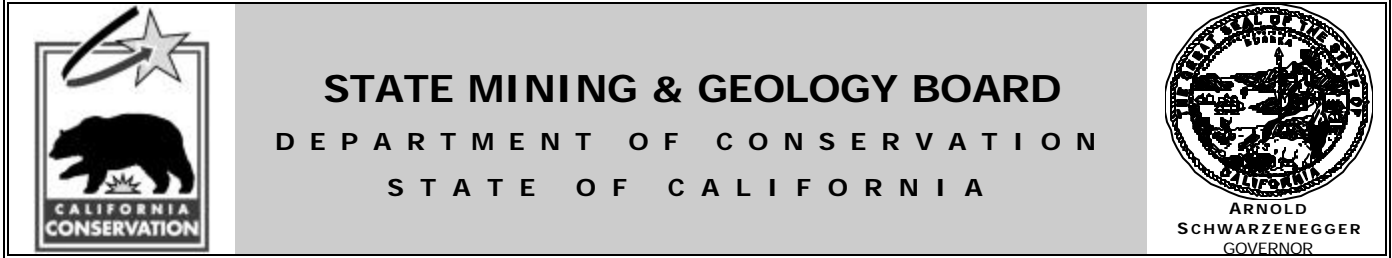
WITNESS my hand and official seal.

Notary's Signature L.S.
My Commission Expires: _____

NOTE: Please identify the agent acting on behalf of the surety, if applicable.

AGENT _____ PHONE _____

ADDRESS _____



SURFACE MINING AND RECLAMATION ACT

FINANCIAL ASSURANCE GUIDELINES

Sections 2770 and 2773.1 of the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code Section 2710 et seq.) require surface mining operators to obtain lead agency (city, county, or State Mining and Geology Board (SMGB)) approved financial assurances for reclamation. SMARA was amended in 1992 by the enactment of AB 3098 (Sher, Chapter 1077, Statutes of 1992) which required the SMGB to adopt financial assurance guidelines by March 1, 1993, to implement SMARA Section 2773.1 and to assist mining operators and lead agencies in complying with the Act's financial assurance requirements. The Guidelines serve to clarify and supplement existing statute. They do not create new requirements for mining operators or local lead agencies. By statute, the Guidelines are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not subject to review by the Office of Administrative Law. The Guidelines are reviewed, revised and re-adopted as necessary. Should SMARA be amended, statute will supersede this document.

(1) WHY ARE FINANCIAL ASSURANCES REQUIRED?

The State Legislature amended the Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.) to require surface mining operators to obtain lead agency (city, county, SMGB) approved financial assurances for the reclamation of mined lands, and surrounding lands affected by mining activities, so that the public will not bear the cost of reclaiming an abandoned surface mine site. In the event of such abandonment or financial incapability by the operator, the financial assurance funds will be used by the lead agency or the Department of Conservation (Department) to reclaim both the mined lands and those surrounding affected lands.

The term "mined lands", when used in the context of SMARA, refers to all lands disturbed by the mining process.

Reference: SMARA Sections 2729, 2733, 2770 (a), and 2773.1

(2) WHAT IS THE PURPOSE OF FINANCIAL ASSURANCES?

Financial assurances serve as an assurance that lands affected by a surface mining operation will be reclaimed in accordance with the requirements of its lead agency approved reclamation plan.

Reference: SMARA Section 2773.1(a).

(3) WHAT DO FINANCIAL ASSURANCES GUARANTEE?

Financial assurances guarantee that funds will be available to the lead agency and to the Department to reclaim mined lands, and surrounding lands affected by mining activities, in accordance with the approved reclamation plan, including: (1) areas disturbed after January 1, 1976; (2) areas scheduled for disturbance in the next year; and (3) areas not successfully reclaimed pursuant to the lead agency approved reclamation plan, if the mine operator is not able to perform the reclamation.

Reference: SMARA Sections 2770(d); 2773.1(a); and 2776

(4) WHAT IS THE LEAD AGENCY'S REVIEW PROCESS FOR FINANCIAL ASSURANCES?

The lead agency should develop a time schedule for the review and approval of the financial assurance and provide it to the mine operator upon submittal by the operator of the proposed financial assurance cost estimate calculation. The schedule should indicate: (1) the amount of time the lead agency and the Department have to review and comment on the proposed financial assurance calculation and amount; and, (2) when the operator can expect to receive final approval or denial of the proposed financial assurance amount. Upon final action, the lead agency should provide to the mine operator written notice of the following: (1) approval of the financial assurance mechanism and the amount; or, (2) denial of the financial assurance mechanism or amount, for what reasons, and a course of action available to the mine operator as well as the consequences of not providing an adequate and acceptable financial assurance.

Reference: SMARA Section 2770(d)

(5) WHAT HAPPENS IF MY FINANCIAL ASSURANCES ARE NOT APPROVED BY THE LEAD AGENCY?

If an operator's proposed financial assurances are not approved by the lead agency, the operator should carefully examine the reasons provided by the lead agency for the denial of the financial assurances. If the operator believes that the financial assurances have not been approved because of lead agency inaction, or were denied for reasons not related to the requirements in SMARA or the SMGB's Regulations, then the operator may appeal the lead agency's inaction or denial of financial assurances to the SMGB within 15 days of exhausting his or her rights to appeal according to the procedures of the lead agency. The SMGB may either accept or decline to hear the appeal based on the evidence supplied by the appellant in the request. The SMGB may approve a financial amount after a public review and hearing, which is binding on both the operator and the lead agency.

Reference SMARA Section 2770(e)(f)(g)

(6) DOES THE DEPARTMENT REVIEW FINANCIAL ASSURANCES AND WHAT IS THE DEPARTMENT'S REVIEW PROCESS?

SMARA provides that the lead agency annually approve all financial assurances, and any amendments thereto; however, the Department is provided the opportunity to review all financial assurances, and any amendments, 45 days prior to lead agency approval. The Department review period shall start upon the Department's receipt of the proposed financial assurance, and end 45 calendar days after receipt. The financial assurance should be forwarded to the Department for review after review and preliminary approval of the assurance. The Department will review the proposed financial assurance for its consistency with the requirements provided in SMARA Sections 2770 and 2773.1.

If the Department finds the financial assurance to be inconsistent with statutory requirements, written comments specifying the deficiency(ies), and if appropriate, suggested corrections, will be forwarded to the lead agency for consideration. If the lead agency's position is at variance with the Department's recommendations and conclusions regarding the financial assurance, or any amendments thereto, the lead agency must submit to the Department a statement of findings specifying the reasons for its position. Any amendments or changes to an existing financial assurance must be submitted to the Department for review prior to lead agency approval of the changes.

Reference: SMARA Sections 2774(c)-(d)

(7) WHAT IS AN ADEQUATE AMOUNT FOR A FINANCIAL ASSURANCE?

The amount of the financial assurance must be sufficient to ensure that the lead agency or the Department can reclaim (as described in SMARA Section 2733), pursuant to the approved reclamation plan, the mined lands (as defined in SMARA Section 2729) subject to the assurance described above.

Reference: SMARA Section 2773.1(a)

(8) HOW SHOULD THE AMOUNT OF THE FINANCIAL ASSURANCE BE CALCULATED?

The SMGB recognizes that the amount of financial assurance is based on the size, complexity, environmental setting, and type of operation described in the approved reclamation plan. The amount of financial assurance must be calculated on a site specific basis that reflects the elements in the related site specific reclamation plan.

The amount of the financial assurance is to be calculated by the mine operator, a licensed engineer, or other professionals experienced in the reclamation of mined lands, and based on: (1) an analysis of the physical activities necessary to implement the approved reclamation plan; (2) the lead agency's (or a third party contract) unit costs for each of the described physical activities; (3) the number of units required to perform each of the activities; (4) an amount to cover contingency costs, (not to exceed 10% of the above calculated reclamation cost) and, (5) actual lead agency administrative costs.

The calculated amount does not include the cost of completing the mining of the site.

State Mining and Geology Board – Financial Assurance Guidelines – Page 4

The value of mined material stockpiles located on the mine plant site cannot be used to off-set the cost of reclaiming the mine plant site or any other part of the mined lands subject to the reclamation plan.

The estimate used in determining the calculated cost to reclaim the physical plant site, e. g. dismantling and removing the equipment, structures, and related facilities, may be net of the surplus/salvage value of the structures, equipment, and facilities to be dismantled and removed. Any calculated surplus/salvage value cannot be applied to offset any other costs of reclamation of the mined lands.

Documentation of the calculation must be made available for lead agency and Department review. Comments on acceptable procedures for the calculation of the amount of financial assurances are presented in Appendices A and A-1. Third party estimates, bids, or cost calculations from a company or contractor for performing reclamation of the physical plant, or for establishing the surplus/salvage value for the plant structures, equipment and related facilities to be removed, should contain the following information:

- a. name & location of company or contractor
- b. statement of qualifications and experience
- c. location of mine site & California Mine ID #
- d. description of work to be done
- e. net cost of such work
- f. dates that third party estimates, bid, or cost calculations are in effect
- g. signature of responsible party, and seal/stamp of licensed professional as required in law

Third party estimates of the surplus/salvage value of the plant structures, equipment and related facilities to be reclaimed also may be based upon bids or quotes from companies in the business of buying scrap metals or similar products.

In the event that the approved reclamation plan lacks specific details for implementation, the unit activities necessary to reclaim the mined site should be detailed in a manner that provides for the approved end use, and the unit costs and number of units should be calculated. Documentation of the calculation must be made available for lead agency and Department review.

Reference: SMARA Section 2773.1(a)

(9) WHAT IS THE DIFFERENCE BETWEEN A "FINANCIAL ASSURANCE" AND A "FINANCIAL ASSURANCE MECHANISM"?

A "financial assurance" is an amount of money, or a guarantee of an amount of money, that is set aside to ensure that funds will be available to complete reclamation on mined lands pursuant to the approved reclamation plan. A "financial assurance mechanism" is the instrument that serves as the financial assurance, such as a surety bond, trust fund or irrevocable letter of credit.

Reference: SMARA Sections 2770(a); and 2773.1(a)(1)

(10) WHAT TYPES OF FINANCIAL ASSURANCE MECHANISMS ARE ACCEPTABLE?

1. **Surety Bonds.** A surety bond is an indemnity agreement in an amount certain executed by an admitted surety insurer as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure. Surety bonds must meet the applicable requirements of the California Code of Civil Procedures, Part 2, Title 14, commencing with section 995.010 (see Appendix B).

Surety bonds are issued for a specific period of time and cannot be cancelable by the mining operator until new financial assurances are approved by the lead agency, following a Department review. In addition, bonds must include a clause requiring the notice of cancellation to the lead agency and the Department a minimum of 120 days prior to any such cancellation to ensure the mining operator provides sufficient notice to fulfill the requirements of SMARA Section 2773.1(b).

2. **Trust Funds.** Trust funds are cash or cash certain financial instruments put up by the mine operator. They may take the form of:
 - a. a cash account deposited in one or more federally insured accounts;
 - b. negotiable bonds, "held in escrow", of the United States, a state, county, or municipality, endorsed by the mine operator, and rated "A" or better by a nationally recognized bond rating organization ("zero-coupon bonds" including "savings bonds" and some types of coupon municipal bonds may be used at their current market value as determined annually, but may not be used at their value at maturity before maturity occurs);
 - c. negotiable certificates of deposit in one or more federally insured depositories.

The lead agency, the Department and the bank holding the funds should maintain a record of the lead agency approved trust fund. Cash accounts and certificates of deposit must not exceed the applicable FDIC, FSLIC or insured account limits. Interest earned is not part of the financial assurance and should be payable to the mining operator at his or her discretion.

3. **Irrevocable Letters of Credit.** A letter of credit is a letter from any bank authorized to do business in the State of California granting credit on behalf of the mine operator. Letters of credit should be for a specific period of time and must not be revocable by the mining operator until reclamation is completed pursuant to the approved reclamation plan and the lead agency, the Department, and any other beneficiaries issue a notice of release to the operator, or the letter of credit is replaced with another acceptable financial assurance mechanism.

4. **Other financial assurance mechanisms specified by the SMGB.** In addition to the mechanisms described in subsections 1, 2, and 3 above, state, county, city, district, or other political subdivisions may use the following mechanisms for surface mines owned and operated by state and local government entities:

(a) Pledge of Revenue – This is a resolution by a political subdivision to commit an established and secure revenue source that it controls, such as fees, rents, or tax revenues, which will be available in a timely manner to conduct and complete reclamation; and,

(b) Budget Set Aside – This is a line item budget amount or specific fund that is committed by a political subdivision for the conduct and completion of reclamation.

A Pledge of Revenue and a Budget Set Aside are mechanisms that are not available to private mine operators; therefore, pledges of revenue streams such as “tipping fees” or percentages of future profits, and proposed budget set asides such as special funds or deposits, cannot be used.

Regulations adopted by the SMGB specifying alternative mechanisms shall be implemented by these *Guidelines*.

Reference: SMARA Section 2773.1(a)(1)

(11) WHO SELECTS THE FINANCIAL ASSURANCE MECHANISM?

The choice of the type of financial assurance mechanism is that of the mine operator so long as the lead agency determines the financial assurance amount is adequate to perform reclamation in accordance with the approved reclamation plan. The mining operator may exchange one acceptable financial assurance mechanism with another acceptable mechanism of equivalent coverage so long as there is no lapse in coverage and the new financial assurance is approved by the lead agency following Department review.

Reference: SMARA Sections 2773.1(a)(1)-(4)

(12) TO WHOM MUST THE FINANCIAL ASSURANCE MECHANISM BE MADE PAYABLE?

The financial assurance must be made payable to the Lead Agency and the Department of Conservation. The financial assurance may also be made payable to additional public agencies, including federal agencies responsible for enforcing reclamation requirements over the mining operation. (See Appendix C for examples of the appropriate wording.) The financial assurance mechanism shall not be made payable to or assigned to the surface mining operator. The operator shall not be named as a beneficiary on the financial assurance.

Reference: SMARA Section 2773.1(a)(4)

(13) WHAT FORMAT SHOULD BE USED FOR THE FINANCIAL ASSURANCE MECHANISM?

Examples of acceptable formats for Irrevocable Letter of Credit and Certificate of Deposit financial assurances are presented in Appendices D and F. The lead agency may accept these or other equivalent formats. Surety Bonds must be in a format approved by the Attorney General. Surety Bond forms in Appendices E-1, E-2, E-3, E-4, and E-5 have been approved by the Attorney General.

(14) WHAT IS THE PERIOD OF LIABILITY FOR THE OPERATOR?

The mine operator is responsible for maintenance of financial assurances continuously throughout the life of the mining operation, (including idle periods and extended monitoring periods), until the reclamation is completed pursuant to the approved reclamation plan and verified by the lead agency and the Department, and the lead agency, the Department, and any other beneficiary agencies have approved the release of the financial assurances. The financial assurance mechanism need not be for the life of the mine, so long as a sequence of mechanisms is maintained which provide continuous coverage without lapse.

Reference: SMARA Sections 2770(h); 2773.1(a); and 2773.1(a)(2)

(15) WHAT TERM IS ACCEPTABLE FOR THE FINANCIAL ASSURANCE MECHANISM?

The financial assurance mechanism can be for the life of the mine or a lesser period of at least one year. The mechanism must remain in effect for the specified term of coverage plus an additional 120 days, during which time the lead agency can take the necessary steps to collect the financial assurance. The additional period of 120 days is not needed if a subsequent mechanism has been offered to and approved by the lead agency. Proof of a new, renewed or existing financial assurance in an adequate amount must be provided annually to the lead agency and the Department pursuant to Public Resources Code Section 2207. Proof of the new or renewed financial assurance mechanism must be submitted prior to the existing financial assurance mechanism's expiration date to prevent a lapse in coverage.

Reference: SMARA Section 2773.1(a)(2); and Public Resources Code Section 2207(a)(9)

(16) WHEN SHOULD THE AMOUNT OF THE FINANCIAL ASSURANCE BE ADJUSTED?

The amount of the financial assurance must be reviewed annually by the lead agency and, if necessary adjusted to reflect changes in: (1) the cost of reclamation (as reflected in the Construction Cost Index or other generally used index), pursuant to the approved reclamation plan, of land disturbed since January 1, 1976; (2) land reclaimed in the previous year to the satisfaction of the lead agency; (3) new land disturbed both vertically and horizontally, and (4) land to be disturbed in the next year. In addition, when an approved reclamation plan is amended, and the amendment is approved by the lead agency, following Department review, financial assurances must be adjusted accordingly.

Reference: SMARA Section 2773.1(a)(3)

(17) WHEN SHOULD FINANCIAL ASSURANCES FOR A NEW SURFACE MINING OPERATION BE PROVIDED?

The financial assurance must be approved by the lead agency, following Department review, prior to the start of any mining activities. The financial assurance should be submitted after lead agency approval of the reclamation plan. Financial assurances for new surface mining operations must be calculated, reviewed, and approved in the same manner as financial assurances for existing mining operations. The mine operator should offer to the lead agency a financial assurance for its approval and the Department must have the opportunity to review the financial assurance at least 45 days prior to such approval. The financial assurance must provide for the performance of the approved reclamation plan and include costs for the reclamation of land that will be disturbed in the next year.

Reference: SMARA Section 2770(a)

(18) ARE FINANCIAL ASSURANCES REQUIRED FOR "IDLE" MINES?

Financial assurances are required for idle mines in an amount sufficient to reclaim, pursuant to the lead agency approved reclamation plan, land disturbed since January 1, 1976, land to be disturbed in the next year, and land not reclaimed successfully pursuant to the approved reclamation plan. Financial assurances for idle mines must be calculated, reviewed and approved in the same manner as financial assurances for active mining operations. *Reference: SMARA Sections 2727.1 and 2770(h)(2)*

(19) WHAT MUST BE DONE WITH THE FINANCIAL ASSURANCE WHEN A MINING OPERATION IS SOLD OR OPERATORSHIP OTHERWISE IS TRANSFERRED?

When a mining operation is sold, or operatorship otherwise is transferred, the original operator's financial assurance must remain in effect until the lead agency has approved, following Department review, the replacement assurances provided by the successor operator. The prior operator's financial assurance should be released only upon the approval by the lead agency of the replacement financial assurance. A replacement financial assurance must be approved in the same manner as the existing financial assurance.

Reference: SMARA Section 2773.1(c)

(20) WHEN SHOULD A FINANCIAL ASSURANCE BE RELEASED?

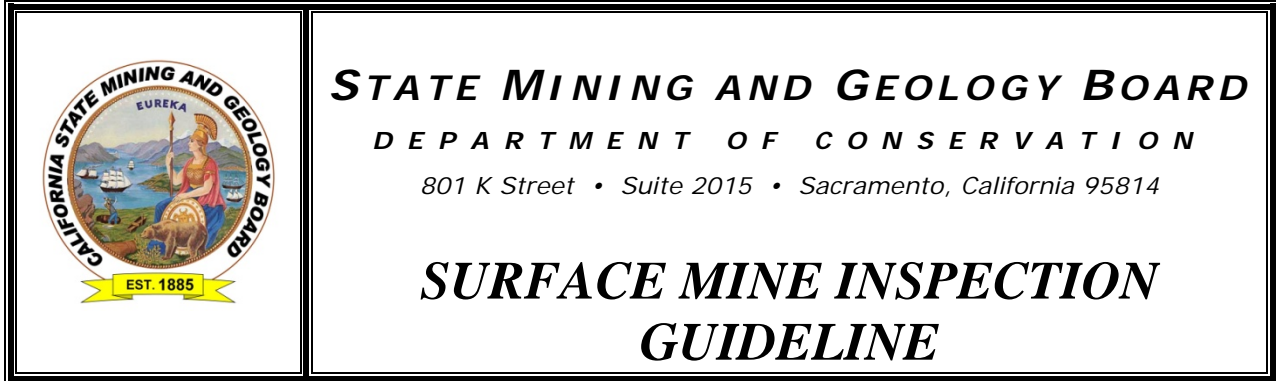
When the operator has completed reclamation, the operator should request a written notice from the lead agency that reclamation has been completed pursuant to the approved reclamation plan. Within 60 days of the lead agency's receipt of such a request, the lead agency should determine if reclamation has been completed pursuant to the approved reclamation plan. Prior to making this determination, the lead agency should conduct an inspection of the mining operations and, if necessary, a review of pertinent records, and otherwise satisfy itself that reclamation of the site has been completed, that any required extended monitoring periods have expired, and that reclamation performance standards as specified in the approved reclamation plan have been met.

Upon determining that reclamation successfully has been completed and prior to releasing the financial assurances, the lead agency shall inform the Department of its

determination and receive the written concurrence of the Department that no reclamation liabilities remain, and that reclamation has been completed in accordance with the approved reclamation plan. Following receipt by the lead agency of the Department's concurrence, the lead agency must notify the operator and any other beneficiaries to the financial assurances that reclamation has been successfully completed and specify the date the financial assurances are proposed to be released.

If the lead agency determines that reclamation has not been completed successfully, it should provide the operator with written notification of its determination along with a list of the specific actions required to successfully complete reclamation pursuant to the approved reclamation plan in order to obtain release of the financial assurance.

Reference: SMARA Section 2773.1(c)



This *Guideline* was developed by the State Mining and Geology Board (SMGB) with the cooperation of the Department of Conservation's Office of Mine Reclamation (OMR). This document recognizes that those who conduct surface mine field inspections will have specific professional expertise, but may not be fully knowledgeable in all facets of surface mine inspections, and the requirements of the Surface Mining and Reclamation Act of 1975 (SMARA). This *Guideline* is a suggested model for inspection preparation, performance, and documentation, for use by SMGB staff in carrying out their responsibilities under Public Resources Code (PRC) §2774(b) of the SMARA regarding the annual inspection of surface mines, and is meant to be used in conjunction with the Surface Mining Inspection Report form (MRRC-1) as adopted by the SMGB in July of 2013. The extent to which this *Guideline* is employed by anyone other than SMGB staff should be at the discretion of the individual inspector in addressing the circumstances particular to each mine site.

Inspection Date: _____ **CA Mine ID Number:** _____

Mine Name:
 (as Shown on Approved Reclamation Plan) _____

Mine Contact Name: _____ **Mine Contact Phone No.:** _____

Mine Coordinates:
 (at mine entrance) Latitude: _____ Longitude: _____

SMARA Lead Agency: _____

Inspector: _____ **Phone No.:** _____

1.0 PRE-MINE INSPECTION -- Prior to the commencement of the physical inspection of the mine site, the Inspector should perform the following familiarization process.

- 1.01** The Mine Inspection is to be performed in conformance with PRC §2774(b) within six months of receipt by the Department of Conservation (DOC) of the Mining Operation Annual Report (MRRC-2). The Mining Operation Annual Report is filed pursuant to PRC §2207, and the Inspector should obtain and review a copy of this Report prior to conducting the inspection.
- 1.02** Prior to conducting the field inspection, the Inspector shall contact the mine operator's site contact person, or designated agent that is listed on the Mining Operation Annual Report and schedule a date and time for the inspection. It is important that a representative who is knowledgeable about the mine's operations be present during the inspection. In addition, a representative from the local lead agency should be invited to accompany the Inspector during the scheduled inspection. The inspection team should be limited to those individuals necessary to conduct the mine inspection.
- 1.03** Prior to conducting the field inspection, the inspector should review the approved reclamation plan and any amendments, as well as any other documents included by reference, including conditions of approval, other permit requirements and supplementary documents, such as environmental documents prepared for the project pursuant to Division 13 (commencing with Section 21000) that specifically relate to reclamation of the mine site. The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of approval that relate to facility operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Information gathered during review of these documents should be utilized by the Inspector to fill out Block I through Block VII, and the applicable portions of Column 2 in Block VIII, of the Surface Mining Inspection Report Form (MRRC-1).

- 1.04** Prior to conducting the field inspection, the Inspector should examine pertinent files and records to determine if the mine is current in its reporting activities. As noted above, the Inspector should obtain and review a copy of the most recent Mining Operation Annual Report prior to conducting the inspection. The year of the most recent filed Mining Operation Annual Report should be noted in Block V of the Surface Mining Inspection Report. If the Mining Operation Annual Report is missing or does not appear to be complete, the Inspector should contact OMR's Reporting and Compliance Unit in order to confirm the status of the operation with regards to its annual reporting requirements.

- 1.05** The inspector should review the previous year's Surface Mining Inspection Report (MRRC-1), and any attached sheets/documents, in order to identify any noted violations, corrective measures and/or recommendations. The Inspector should determine if the information in the most recent Mining Operation Annual Report, as filed by the operator, conflicts with or contradicts information in the previous year's Surface Mining Inspection Report.
- 1.06** The Inspector should review the current Financial Assurance Mechanism(s) on file for the subject operation. The Inspector should verify the amount, the expiration date and date of SMARA Lead Agency approval of each Financial Assurance Mechanism. In addition, the Inspector should note whether a Financial Assurance Mechanism is pending review and approval by the Lead Agency.
- 1.07** The Inspector should indicate if there has been a change of operator of record since the last inspection and, if so, note the date the change occurred and whether the new operator has signed any document acknowledging reclamation responsibility under the approved reclamation plan, and if the new operator has posted a Financial Assurance Mechanism. If a replacement Financial Assurance Mechanism has not been posted, indicate the status of the new operator's replacement Financial Assurance Mechanism. Per PRC § 2773.1(c) and Guideline number 19 of the SMGB's Financial Assurance Guidelines, when operatorship is transferred, "the original financial assurance must remain in effect until the lead agency has approved, following department review, the replacement assurances provided by the successor operator."
- 1.08** Review the most recent Financial Assurance Cost Estimate (FACE) and note its date of preparation and date of approval by the Lead Agency. Determine if the current Financial Assurance Mechanism amount is in agreement with (i.e. equals or exceeds) the most recent FACE amount. Determine if a recently revised FACE is pending review by the Lead Agency, and note if rejection of a FACE amount has been appealed by the operator and the status of such appeal.

If the FACE is not adequate (i.e. out of date or does not address all reclamation plan issues) and / or the Financial Assurance Mechanism is not adequate (i.e. has not been updated, is on incorrect forms, incorrectly completed, etc.), note the areas of inadequacy and include them as possible deficiencies or violations in the final inspection report.

- 1.09** Obtain a recent base map, aerial photograph, and/or topographic map of the mine site showing the site's facilities at an appropriate scale for ease in mapping the conditions observed during the physical inspection. If possible, it

is recommended that the approved reclamation plan maps be overlain on a base map to aid in inspection.

2.0 MINE INSPECTION -- During the conduct of the site inspection, it is recommended that the operator or the operator's representative that is familiar with the mine's characteristics and activities accompany the Inspector. As the inspection proceeds, the Inspector should ask the operator about any activities that the Inspector believes may not be in compliance with SMARA or the approved Reclamation Plan, or that appear to be new from the previous year's operations.

2.01 Once on site, and prior to commencing the mine inspection, the Inspector should perform the following activities:

- A. Meet with the operator or the operator's representative at the site.
- B. Introduce all members of the inspection party.
- C. Explain the purpose and scope of the inspection.
- D. Review the safety equipment requirements with the operator or the operator's safety officer for that mine.
- E. Ask the operator for information on the mine's current activities (is the site operational, is material extraction occurring, is blasting to take place, are trucks operating, etc.). Ask about any safety concerns about which the inspectors need to be aware.

2.02 During the inspection, the Inspector should utilize the reclamation plan requirement information already filled out in Column 2 of Block VIII of the Surface Mining Inspection Report (MRRRC-1) form as a guide for efficient completion of the inspection. Existing conditions at the mine site should be observed and described as applicable in Column 3 of Block VIII of the Surface Mining Inspection Report form. Any inconsistencies and/or compliance issues with the requirements of the approved Reclamation Plan, as listed in Column 2, should be noted. Photographs and physical measurements of the site and its features should be obtained whenever possible to document findings and the condition and appearance of the mine site, especially any conditions that may preclude reclamation of the site in accordance with the approved Reclamation Plan requirements. Such conditions should be noted as a violation in Column 4 of Block VIII of the Surface Mining Inspection Report (MRRRC-1) form.

2.03 It is not expected that all reclamation plans will include each item in Block VIII of the Surface Mining Inspection Report (MRRRC-1), or be limited to the items listed. Items in Column 1 of Block VIII that are not operative requirements in the reclamation plan may not need to be addressed by the inspection. Operative reclamation plan requirements not listed in Items 1 through 12 may be listed in Item 13, under "Other Reclamation Plan Requirements." As

applicable, the Inspector should address the following aspects of the surface mining operation during the physical site inspection:

- A.** Observe and describe the current mining operation and mineral product(s) being extracted. Identify any unique or relevant ore extraction characteristics not described in the Reclamation Plan that may impact the reclamation of the site. Note whether the approved end use of the site will be achievable based on current site conditions.
- B.** Sketch the mine's current development and conditions on a base map with annotations of findings. Note the proximity of surface mining operations to existing property boundaries, permit boundaries and approved Reclamation Plan boundaries. Also observe condition of required setback areas.
- C.** Observe and visually describe condition of existing mined slopes. Note the current slope configuration and conditions (e.g. are slopes clean or vegetated, do they have erosion rills or gullies, are slumps or slides apparent, etc.); do slopes meet angle and height requirements as prescribed in the Reclamation Plan or Conditions of Approval; if steeper than described can current slopes be reclaimed to the angles and heights prescribed in the Reclamation Plan or Conditions of Approval within property/reclamation plan boundaries; are the slopes supposed to be benched at specific intervals; what is the condition of the inter-bench slope stability. Note if any fill slopes are under construction or in their final configuration. Are fill slopes being compacted if required by the Reclamation Plan? Determine if any backfilling of an excavation has occurred. Determine if grading activities require engineered designs or specifications, or Permits as described in the approved Reclamation Plan. Based on the observed condition of the mine slopes, should a licensed geologist or engineer be consulted to assess the long term stability of the slopes; that is, might the present condition of the mine slopes indicate that their approved final design as called for in the reclamation plan may not be achievable?
- D.** Observe and describe any erosion features and erosion control structures at the surface mining operation. Note whether there is an existing Storm Water Pollution Prevention Plan applicable to the site, and whether requirements of such plan are being followed. Note the existence and condition of any best management practices (BMPs), surface grading or vegetation meant to control erosion. Determine whether such measures are in compliance with the approved Reclamation Plan.

- E.** Note the condition and purpose of all ponds and water retention structures on the site. Are existing ponds properly designed for their intended function? Are pond capacities adequate and are such features being properly maintained?
- F.** Observe and describe the location and condition of surface waters on site or in the immediate vicinity of the surface mining operation. Note any water or sediment releases into the State's Waters. Describe the condition of any buffer zones, berms or BMPs at the site meant to protect surface waters. Note the presence and condition of graded surfaces, catchment basins, site drainage features or other erosion control features on site meant to protect streams and/or wetlands. Describe any stream diversions or channel flow impediments and note whether they are in compliance with the approved Reclamation Plan.
- G.** Observe and describe the occurrence and condition of any sensitive wildlife or plants identified in the approved Reclamation Plan or related documents. Note whether listed species are being protected as required.
- H.** Observe and describe the condition, configuration, and characteristics of any topsoil, overburden, mine waste and/or tailings piles. Observe and describe the activities for soil salvaging and stockpiling for future reclamation operations. Check if signs are present indicating that the soil stockpile is for reclamation use only. Note the location and stability of existing topsoil stockpiles, and whether such stockpiles are in conformance with the approved Reclamation Plan. If topsoil is being utilized at the surface mining operation for reclamation activities, is it being applied in accordance with the approved Reclamation Plan? Note whether mine waste and/or overburden piles are in approved locations and being properly managed. Describe any suspected contamination concerns.
- I.** Observe and describe any active revegetation activities. Note the status and condition of revegetation test plot programs. Note if the revegetation programs are in accordance with the requirements of the approved Reclamation Plan, and if monitoring is occurring. Request copies of any monitoring data. Observe and describe any naturally occurring revegetation. Observe the presence of any invasive species that are inconsistent with the approved Reclamation Plan. Based on observations, determine if a qualified Botanist should be consulted.
- J.** Note the disposition of existing structures at the surface mining operation. Are existing structures in use for mining related processes? Do any

existing structures preclude completion of reclamation activities at the site as required by the approved Reclamation Plan or Permit(s)?

- K.** Observe and describe permanent and mobile mining equipment in use or stored at the site. Will any equipment remain on site at the completion of surface mining operations? Are anticipated costs of removal of existing equipment considered within the most recent Financial Assurance Cost Estimate?
 - L.** Are there any openings to underground workings such as portals or adits, or any abandoned wells associated with the facility? Do any of these features present an imminent risk to public health and safety? Are observed features included in the approved Reclamation Plan for the site?
 - M.** Observe and describe the status of any other reclamation plan requirements that are not included in Column 1 of Block VIII of the Surface Mining Inspection Report (MRRRC-1) form. Such requirements may include specific Permit conditions and/or mitigation measures within environmental documents that affect reclamation of the surface mining operation.
- 2.04** In addition to the above items, during conduct of the physical site inspection the Inspector should make note of current weather conditions, should record the start time and end time of the inspection, and should record the names and affiliations of all inspection attendees. This information should be entered into Block IX of the Surface Mining Inspection Report (MRRRC-1) form.
- 2.05** Prior to completion of the physical site inspection, the Inspector should determine if there are any observed and documented conditions that are related to another regulatory agency, such as some form of contamination or pollution. State law requires the Inspector to report within 48 hours possible violations of the law when observed.
- 2.06** Prior to completion of the physical site inspection, the Inspector should make a preliminary determination of whether the observed operation and the physical condition of the mine site allow for reclamation in accordance with the requirements contained in the approved reclamation plan. If there are obvious new deficiencies or violations observed, these should be documented and called to the attention of the operator during the inspection. The Inspector should attempt to determine if previously cited deficiencies or violations have been corrected, partially corrected, or not addressed by the operator. It is recommended that the operator be informed of the Inspector's preliminary determination regarding the status of previously cited deficiencies or violations during the inspection

- 2.07** Following the completion of the inspection tour, the Inspector should review the preliminary results and findings of the inspection with the operator or the operator's representative, and any lead agency personnel in attendance. Additionally, the Inspector should provide a tentative time frame to the operator or the operator's representative for when a completed SMARA Mine Inspection Report will be provided.

3.0 POST MINE INSPECTION -- This section specifies the steps necessary to secure the information gathered during the physical site inspection, and prepare an inspection report for distribution.

- 3.01** The Inspector should prepare a draft copy of the Surface Mining Inspection Report (form MRRC-1), and submit the form to an appropriate in-house reviewer for comments. In completing the MRRC-1, the Inspector should address the following items:
- A.** Enter the Status of Mine Code in Block IX. Status of Mine Code is determined based on the Operator's submitted Mining Operation Annual Report and reported production under CCR § 3695.
 - B.** Enter the Status of Reclamation Code in Block IX. Status of Reclamation Code is determined by the Inspector based on observations made during the physical site inspection and review of the approved Reclamation Plan. If reclamation activities have commenced, the Inspector should determine an approximate acreage under reclamation and enter that number in Block IX. Similarly, the Inspector should enter the acreage determined by the SMARA Lead Agency to be reclaimed in accordance with the approved Reclamation Plan in Block IX.
 - C.** Enter the specific latitude and longitude of the mine entrance in Block VI of the MRRC-1.
 - D.** Based on observations made during the physical site inspection, the Inspector should determine the approximate total disturbed acreage of the surface mining operation. In addition, the Inspector should determine the approximate pre-SMARA acreage, if any, associated with this surface mining operation. Such information should be included in Block IX of the MRRC-1.
 - E.** The Inspector should enter the amount of disturbed acreage identified in the most recent Financial Assurance Cost Estimate for the site in Block IX of the MRRC-1.

- F. Also in Block IX, the Inspector should enter the date of the previous annual inspection and number of violations noted at that time. The Inspector should determine if the previous violations, if any, have been corrected and enter such information on the MRRC-1.
- 3.02** The Inspector should prepare a draft SMARA Mine Inspection Report containing a detailed description of the conditions of the mine, photographs, surveys and measurements, conclusions regarding the mine's condition and compliance with SMARA, and a list of violations, preventative measures and recommendations to correct deficiencies. The SMARA Mine Inspection Report should also address the adequacy of the current Financial Assurance Mechanism and most recent Financial Assurance Cost Estimate, and include any recommendations for revising the Financial Assurance. The draft SMARA Mine Inspection Report should be submitted to an appropriate in-house reviewer for comments. In completing the draft SMARA Mine Inspection Report, the Inspector should include the following items:
- A. Describe mine inspection activity; who was present, areas observed and why, and any areas that were not allowed to be observed, if applicable.
 - B. Describe restrictions to public access to the site (e.g. gates, fences, warning signs).
 - C. Determine if the existing FACE equates to the actual physical site conditions. Consider if the current Financial Assurance Mechanism is adequate to complete reclamation of the entire site if mining activities ceased at any time within the coming year. Determine if the Financial Assurance Mechanism would adequately cover the remediation of any deficiencies or violations noted during the current inspection.
 - D. Recommendations for proposed actions to correct observed violations should be provided. The recommendations may relate to proposed actions to be taken by the operator, or to further inspection activities by specialists. The recommendations may include the use of California licensed geologists or engineers to more thoroughly evaluate suspected problems dealing with slope stability issues or other geological or engineering issues; the use of botanists to investigate revegetation issues; and the use of any other specialists where the scope of concern may be outside the Inspector's particular expertise.
- 3.03** Prepare and sign the Surface Mining Inspection Report (MRRC-1) form incorporating any reviewer comments for changes. Prepare and sign the SMARA Mine Inspection Report, incorporating any reviewer comments for changes.

- 3.04** The completed Inspection Report and an Inspection Notice must be submitted to the Office of Mine Reclamation within 30 days of the completion of the inspection. The completion of the inspection is the date that the analysis of the inspection data has been finalized and incorporated into the final SMARA Mine Inspection Report and MRRC-1. For surface mining operations under the jurisdiction of the SMGB as the SMARA Lead Agency, the inspection is considered complete on the date that the SMGB accepts the SMARA Mine Inspection Report as complete at a public hearing.

4.0 INSPECTION REPORT DISTRIBUTION -- The final Surface Mining Inspection Report (MRRC-1) form, and the final SMARA Mine Inspection Report that includes photographs, cross-sections, maps and diagrams, survey measurements, reports by specialists (geologists, engineers, botanists, etc.), are to be distributed as follows:

- One copy of the inspection notice, the final Surface Mining Inspection Report (MRRC-1) and the final SMARA Mine Inspection Report (all pages and attachments) shall be provided to the Mine Operator and the operator's designated agent by the lead agency.
- The Lead Agency must retain the original copy of the final Surface Mining Inspection Report (MRRC-1) and submit one copy of the final Surface Mining Inspection Report (MRRC-1), along with an original Inspection Notice (PRC Subsection 2774(b)), within 30-days of the completion of the inspection, to:

Department of Conservation
Office of Mine Reclamation
801 K St MS 09-06 Sacramento, CA 95814-3529

- If any part of the operation inspected is on BLM or USFS land, one copy of final Surface Mining Inspection Report (MRRC-1) should be forwarded to the appropriate BLM or USFS office.

INSTRUCTIONS FOR COMPLETING SURFACE MINING INSPECTION REPORT

Form MRRC-1 (4/97) Page 1 (Rev. 07/13)

This report is intended to comply with the requirements of California's Surface Mining and Reclamation Act (SMARA – Public Resources Code Sections §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, division 2, beginning at § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for operations located on private land and/or partly or solely on Bureau of Land Management (BLM) and U.S. Forest Service (USFS) lands (Title 43, parts 3500, 3600, and 3800 of the Code of Federal Regulations). A Memorandum of Understanding between the U.S. Department of Interior, BLM; U.S. Department of Agriculture, USFS; the State of California, Department of Conservation; and the State Mining and Geology Board (SMGB), discusses implementation of SMARA on Federal lands in California that are under the jurisdiction of the BLM and/or the USFS.

As required by PRC § 2774(b) and CCR § 3504.5(g), Lead Agencies shall file an Inspection Notice that includes a statement regarding compliance with SMARA, a copy of this Surface Mining Inspection Report (MRRC-1) and any other supporting documentation with the Department within 30 days of completion of the inspection. The Lead Agency shall also forward a copy of the Inspection Notice, MRRC-1, and any supporting documentation to the operator.

BLOCK I: Enter the name of the Mining Operation, the date of the inspection, and the California Mine ID number.

BLOCK II: Enter the name of the Mine Operator, mailing address, phone number, name, and email address (optional) of the person to serve as the onsite contact.

BLOCK III: Enter the name, mailing address, phone number, and email (optional) of the Designated Agent who, under PRC § 2772(c)(1) and 2207(a)(1), will serve as a contact for any follow-up correspondence or discussions regarding the inspection or noted violations.

BLOCK IV: For "Lead Agency," enter the name of the certified SMARA Lead Agency that is conducting this inspection. Acceptable entries include the name of the city, county, Bay Conservation and Development Commission (BCDC), or State Mining and Geology Board (SMGB). For "Organization," enter the name of the agency, firm or other organization that employs the inspector.

BLOCK V: Check the appropriate boxes.

P	Pending (on appeal or awaiting approval by Lead Agency)
NR, No, Yes	Not required for this operation at the time this inspection was completed
	No
	Yes, supply information

Note: Where appropriate, to aid in determining when the lead agency recognized that the operation has vested mining rights, inspectors are advised to review older agency correspondence, minutes of lead agency hearings, including agendas and staff reports associated with approvals of any kind related to the mining operation.

BLOCK VI: Indicate if the operation is on federal Land; if operation is on federal land, include a California Mining Claim Number and/or a BLM/USFS Identification Number and Plan of Operations Number, if applicable. Give the status of the BLM/USFS Plan of Operations, as indicated. Give the latitude and longitude at the mine entrance in decimal degrees.

DISTRIBUTION INSTRUCTIONS:

One copy of the inspection notice and this completed Inspection Report (all pages) shall be given to the Mine Operator and the operator's designated agent by the lead agency (PRC Section 7374(b)).

The Lead Agency must retain the original copy of this Inspection Report and submit one copy of this Inspection Report, along with an original inspection report notice (PRC Subsection 2774(b)), within 30-days of the completion of the inspection, to:

Department of Conservation
 Office of Mine Reclamation
 801 K St MS 09-06 Sacramento, CA 95814-3529

If any part of the operation inspected is on BLM or USFS land, one copy of this Inspection Report should be forwarded to the appropriate BLM or USFS office.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date:	CA MINE ID#: 91-	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
Total Amount of Mechanism(s)				

Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

Has there been a change of operator since last inspection? If yes provide the date of notice. <input type="checkbox"/> Yes <input type="checkbox"/> No Date of Change:	If yes, has the new operator posted a Financial Assurance Mechanism? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, describe status of new operators Financial Assurance Mechanism:	Does new operator's Notice of Change include a statement of responsibility for reclamation? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	---

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date:	Amount:
--	-------	---------

Financial Assurance Cost Estimate Pending Review with Lead Agency? Date Submitted/Explanation/Amount of pending estimate:

Financial Assurance Cost Estimate Appealed by Operator? Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:

Other?

INSTRUCTIONS FOR COMPLETING SURFACE MINING INSPECTION REPORT

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BLOCK VII: Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. PRC § 3803 and SMGB Financial Assurance Guideline number 10 describe Surety Bonds, Trust Funds, or Irrevocable Letters of Credit as acceptable financial assurance mechanisms for non-governmental entity operators. For surface mining operations owned and operated by state and local government entities, Surety Bonds, Trust Funds, Irrevocable Letters of Credit, Pledges of Revenue, and Budget Set Aside are acceptable financial assurance mechanisms.

State the Financial Assurance Mechanism(s) document number(s). State the dollar amount of each Financial Assurance Mechanism(s) currently on file. State the date of expiration of the Financial Assurance Mechanism(s) currently on file. State the date of approval for the most recent lead agency approved Financial Assurance Mechanism(s) on file. State the total dollar amount of mechanisms held for reclamation.

Indicate if any Financial Assurance Mechanisms are pending review by the lead agency and the date and amount of submittal to the lead agency.

Indicate if there has been a change of operator of record since the last inspection and, if so, note the date the change occurred and whether the new operator has signed any document acknowledging reclamation responsibility under the approved reclamation plan and if the new operator has posted a Financial Assurance Mechanism. If a replacement Financial Assurance Mechanism has not been posted, indicate the status of the new operator's replacement Financial Assurance Mechanism. Per PRC § 2773.1(c) and Guideline number 19 of the SMGB's Financial Assurance Guidelines, when operatorship is transferred, "the original financial assurance must remain in effect until the lead agency has approved, following department review, the replacement assurances provided by the successor operator."

The Financial Assurance amount must be adjusted and approved annually to account for new lands disturbed by surface mining operations and lands to be disturbed in coming year, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC § 2773.1(a)(3) and SMGB Financial Assurance Guideline #16). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit annually a revision of the written Financial Assurance Cost Estimate to the Lead Agency (PRC § 3804(c)). Provide the date of the operator's most recent revision of the Financial Assurance Cost Estimate to the Lead Agency and where appropriate, provide a status of the pending Financial Assurance Cost Estimate. Provide the date and amount of the most recently approved Financial Assurance Cost Estimate.

Also indicate if the Financial Assurance Cost Estimate is under appeal to the lead agency or whether it has been appealed to State Mining and Geology Board as described in PRC § 2770(e).

Use the Financial Assurance "Other" and "Explanation" blocks to provide any other pertinent information regarding the status of Financial Assurance(s). If the operation does not have a sufficient Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail.

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # 91-	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information			
a) Permitted Mineral Product(s)			
b) Approved Production Amount (Annual/Gross)			
c) End Date of Operations Per RP			
d) Permit end date			
e) End Use			
2) Boundaries			
a) Property Boundary			
b) Permit Boundary			
c) Rec. Plan Boundary (RPB)			
d) Setbacks			
3) Slopes – Grading			
a) Fill Slopes – Note Condition of:			
i) Slopes – Working (max/current)			
ii) Slopes – Reclaimed			
iii) Compaction			
b) Cut Slopes – Note Condition of:			
i) Slopes – Working (max./current)			
ii) Slopes – Reclaimed			
4) Erosion Control			
a) BMPs			
b) Grading			
c) Vegetation			
5) Ponds			
a) Design – Function			
b) Capacity (area/depth/volume)			
c) Maintenance			
6) Stream & Wetland Protection			
a) Buffers (distance to channel)			
b) Berms (distance/length/height)			
c) Best Management Practices			
d) Drainage			
e) Grading & Slopes			
f) Stockpiles			
g) Stream Diversions			
7) Sensitive Wildlife & Plant Protection			
a) List Species			
b) Protection Measures			

INSTRUCTIONS FOR COMPLETING SURFACE MINING INSPECTION REPORT

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BLOCK VIII: INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1): Under CCR § 3504.5(f), “Inspections may include, but shall not be limited to the following: the operation’s horizontal and vertical dimensions, volumes of materials stored on the site; slope angles of stock piles, waste piles and quarry walls; potential geological hazards; equipment and other facilities; samples of materials; photographic or other electronic images of the operation; any measurements or observations deemed necessary by the inspector or the lead agency to ensure the operation is in compliance with Public Resources Code Chapter 9.” Column 1 provides a list of items that may be included in the approved reclamation plan, either expressly or by reference as described in PRC § 2772(d), which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to Division 13 (commencing with Section 21000).

It is not expected that all reclamation plans will include each item of Section VIII, or be limited to the items listed. Items in Column 1 that are not operative requirements in the reclamation plan may not need to be addressed by the inspection. Operative reclamation plan requirements not listed in Items 1 through 12 may be listed in Item 13, under “Other Reclamation Plan Requirements.”

Reclamation Plan Requirements (Column 2): Prior to field inspection, it is recommended that the inspector review the approved reclamation plan and any amendments, as well as any other documents included by reference, including conditions of approval, other permit requirements and supplementary documents, such as environmental documents prepared for the project pursuant to Division 13 (commencing with Section 21000) that specifically relate to reclamation of the mine site. The most recently approved Financial Assurance Cost Estimate and any pending or ongoing enforcement actions should also be reviewed. Conditions of approval that relate to facility operations solely of local concern, such as hours of operation, noise, and dust control are not subject to the inspection.

Column 2 is intended to provide the inspector a place to match any items noted in Column 1 with those items included in the approved reclamation plan either expressly or by reference as described in PRC § 2772(d), which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents prepared for the project pursuant to Division 13 (commencing with § 21000). Also note any Interim Management Plan (IMP) requirements where the mine is subject to an IMP pursuant to PRC § 2770(h).

Indicate the source document for the reclamation plan requirements at the end of the entry in parenthesis; i.e. (COA) (POO) (EIR) (WDR) (SWPPP), etc. Conditions of approval that relate to facility operations solely of local concern, such as hours of operation, noise, and dust control should not be included in Column 2. If items listed in Column 1 of Section VIII of the form are not included in the reclamation plan or other documents included by reference, write not applicable or “NA” in Column 2.

Specific reclamation requirements may not apply to an operation at the time of inspection, but they are important to be aware of to ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

A copy of the Surface Mining and Reclamation Act of 1975 and 1993 SMGB regulations may be obtained at <http://www.conservation.ca.gov/omr/lawsandregulations/Pages/SMARA.aspx>.

Site Conditions and Compliance Issues (Column 3): Describe current site conditions and compliance issues noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of the mining site. Block IX is provided for additional space to describe site conditions and/or compliance issues. Attach additional sheets as necessary. Evaluations of slope stability and engineered compaction should be prepared by qualified professionals only. PRC § 2774(b) states “The lead agency may cause an inspection to be conducted by a state licensed geologist, state licensed civil engineer, state licensed landscape architect, or state licensed forester, who is experienced in land reclamation and who has not been employed by a surface mining operation within the jurisdiction of the lead agency in any capacity during the previous 12 months.”

VN? (Column 4): Use this box to indicate if violations were noted for any of the specific items under the corresponding item group heading (e.g., Boundaries, Slopes-Grading, etc.) during field inspection of the site. Enter number of violations in the box.

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # 91-	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management			
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation			
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures			
11) Equipment			
12) Closure of Adits			
13) Other Reclamation Plan Requirements			

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SURFACE MINING INSPECTION REPORT

<p>IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form. (Add additional sheets as necessary)</p>	CA MINE ID #
	91-
	Inspection Date:
	Weather Code(s):
	Duration of Inspection:
	Start Time:
	End Time:
	Status of Mine Code(s):
	Status of Reclamation Code(s):
	Approximate Acreage Under Reclamation:
	Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan:
	Approximate Total Disturbed Acreage:
Approximate Pre-SMARA Disturbed Acreage:	
Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:	
Previous Inspection Date (and Number of Violations then Noted):	
Violations Corrected? (explain in block to left)	
Inspection Attendees and Affiliations:	

X. Number of Current Violations:	Inspectors Signature:	If inspector is a contractor for the lead agency give license type and number:
	Date Signed:	

INSTRUCTIONS FOR COMPLETING SURFACE MINING INSPECTION REPORT

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BLOCK IX Inspectors may use the large open block for comments to describe violations, corresponding corrective actions, or preventative measure(s) suggested by the inspector to address noted violations or avoid potential violations, and to explain any limitations on the inspection conducted. The inspector can also use this space to describe the status of any pending or current enforcement actions. Separate violations that are the subject of existing enforcement actions from violations observed during the current inspection.

Enter California Mine ID Number and Date of Inspection.

Weather Codes: CR = Clear; CL = Cloudy; RN = Rain; SN = Snow; WD = Windy

For "Duration of Inspection," indicate the start and end times of the inspection (do not include travel time).

SMARA Status Codes (based on annual report and reported production under CCR § 3695, indicate the appropriate status code):

NP = Newly Permitted (surface mining operation not begun)
 OP = Operation Not Idle (Per § 2727.1) or abandoned (Per §2770 (h)(6))
 I = Idle (Per § 2727.1)
 AB = Abandoned (Per § 2700 (h)(6))
 NOP-NC = Not in Operation, Reclamation NOT Completed
 NOP-C = Not in Operation, Reclamation Completed

If idle, indicate either the date operation became idle as defined by PRC Section 2727.1, the date an IMP was approved, or the status of any pending IMP.

Status of Reclamation Codes:

RN = Reclamation not begun
 R = Reclamation in progress
 P = Post reclamation monitoring
 RC = Reclamation complete

Enter approximate acreage under reclamation (the number of acres actively being reclaimed in accordance with the approved reclamation plan).

Enter approximate acreage determined to be reclaimed in accordance with the approved reclamation plan by Lead Agency.

Enter approximate total disturbed acreage. This includes all acreage disturbed by the surface mining operation, as defined by PRC § 2729: "Mined Lands" includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located." This should include acreage under reclamation that has not been determined to be reclaimed in accordance with the approved reclamation plan by the Lead Agency.

Enter the total number of acres within or adjacent to the disturbance area of the operation disturbed pre-SMARA (disturbance before January 1, 1976, that has not had mining related disturbance after January 1, 1976).

Enter the disturbed acreage identified in the most recent Financial Assurance Cost Estimate (i.e., the disturbed acreage that was used to calculate the most recent Financial Assurance Cost Estimate.

Enter the date of the previous lead agency inspection and number of violations noted during that inspection.

Attendees: Provide the names and affiliations of parties in attendance at the inspection.

BLOCK X: Enter the number of violations noted during the inspection. Sign and date the Inspection Report. If the inspector is a consultant to the lead agency, include the inspector's certification (PE, PG, CEG, etc.) and license number, if applicable. The lead agency may cause an inspection to be performed by contracting with private consultants, specifically: state licensed geologist, state licensed civil engineer, state licensed landscape architect, or state licensed forester, § 2774(b).

RECLAMATION PLAN FOR

_____ (name of Mine)
MINING OPERATION

Note: This prototype, developed by the State Mining and Geology Board (Board), is intended to assist smaller-scale mine operators in environmentally non-sensitive areas to conform to the requirements of the Surface Mining and Reclamation Act (SMARA) and related Board regulations. It serves as an example of an acceptable reclamation plan format. The prototype is not intended to place any additional requirements on mining operators, nor to limit lead agency control in implementing SMARA's reclamation requirements.

Please print or type, attach additional sheets if necessary

CALIFORNIA MINE ID# [if one has been assigned]:

- -

GENERAL OWNERSHIP/OPERATION INFORMATION:

MINE NAME:
LOCATION OF MINE [include address]:
ATTACH A MAP THAT IDENTIFIES HOW TO ACCESS THE MINE SITE FROM THE NEAREST HIGHWAY.
<input checked="" type="checkbox"/> CHECK BOX IF LOCATION MAP IS ATTACHED
MINE OPERATOR (S):
TELEPHONE NUMBER (S):
MAILING ADDRESS:
MINE OPERATOR'S DESIGNATED AGENT [if applicable]:
TELEPHONE NUMBER:
MAILING ADDRESS:

GENERAL MINING OPERATION INFORMATION

MINED MINERAL COMMODITY (IES):
ESTIMATED ANNUAL PRODUCTION:
ESTIMATED TOTAL PRODUCTION:
TOTAL NUMBER OF ACRES TO BE DISTURBED BY THE SURFACE MINING OPERATION:
TOTAL NUMBER OF ACRES TO BE RECLAIMED:
MAXIMUM ANTICIPATED DEPTH OF MINING: _____ FEET; _____ ELEVATION (mean sea level)
START UP DATE [indicate whether actual or proposed]:
SITE MAP: ATTACH A TOPOGRAPHIC MAP OF LANDS THAT WILL BE AFFECTED BY MINING OPERATIONS. THE MAP SCALE SHOULD BE 1"=100' TO 1"=500' SO THAT THE FOLLOWING MAY BE IDENTIFIED EASILY: <u>EXISTING SITE CONDITIONS:</u> <u>MINING OPERATION FEATURES:</u> <u>FINAL SITE CONFIGURATION:</u>
<input checked="" type="checkbox"/> CHECK BOX IF SITE MAP IS ATTACHED
(1) DESCRIBE THE ENVIRONMENTAL SETTING OF THE MINE SITE, INCLUDING THE FOLLOWING: PROVIDE A GENERAL DESCRIPTION OF VEGETATION AND A LIST OF PLANTS CURRENTLY ON SITE THAT MAY BE SUITABLE FOR RECLAMATION:
(2) ADDRESS THE PRESENCE/ABSENCE OF SENSITIVE SPECIES, SENSITIVE HABITATS [WETLANDS, VERNAL POOLS, ETC.]. ADDRESS SPECIES, HABITATS THAT ARE CONSIDERED SENSITIVE WITHIN THE LEAD AGENCY'S JURISDICTION [eg. Oak, Woodland, Bishop pine forest].

[GENERAL LEAD AGENCY INFORMATION con't]

SMARA SECTIONS 2770 AND 2773.1 REQUIRE MINE OPERATORS TO OBTAIN A LEAD AGENCY APPROVED FINANCIAL ASSURANCE TO ENSURE RECLAMATION OCCURS PURSUANT TO THE RECLAMATION PLAN. ATTACH A COPY OF THE PROPOSED/APPROVED FINANCIAL ASSURANCE.



CHECK HERE IF YOU ATTACHED A COPY OF THE PROPOSED FINANCIAL ASSURANCE



CHECK HERE IF YOU ATTACHED A COPY OF THE APPROVED FINANCIAL ASSURANCE

NOTE: A RECLAMATION COST ESTIMATE WORKSHEET IS ATTACHED FOR YOUR ASSISTANCE IN DETERMINING THE APPROPRIATE FINANCIAL ASSURANCE AMOUNT (APPENDIX A).

DETAILED DESCRIPTION OF RECLAMATION ACTIVITIES [attach additional sheets, if needed] [Pursuant to Public Resources Code Section 2772]

DESCRIBE THE PROPOSED USE OF THE SITE ONCE MINING CEASES AND RECLAMATION IS COMPLETED:

ATTACH EVIDENCE THAT ALL OWNERS OF A POSSESSORY INTEREST IN THE LAND TO BE MINED HAVE BEEN NOTIFIED OF THE PROPOSED END USE (eg. copies of notices sent to land owner and mineral rights owner).



CHECK BOX IF EVIDENCE IS ATTACHED

PROVIDE A TIME SCHEDULE FOR THE RECLAMATION OF EACH AREA DISTURBED BY MINING. IF APPLICABLE , INDICATE RECLAMATION PHASES ON YOUR SITE MAP.

DISCUSS HOW THE IMPLEMENTATION OF THIS RECLAMATION PLAN WILL AFFECT FUTURE MINING IN THE AREA [eg. reclamation will not preclude future mining at this site since reclamation calls for open space].

DESCRIBE HOW THE PROPOSED RECLAMATION OF THE MINE SITE WILL AFFECT PUBLIC HEALTH AND SAFETY, GIVING CONSIDERATION TO THE DEGREE AND TYPE OF EXISTING AND PROBABLE FUTURE PUBLIC EXPOSURE TO THE SITE.

[DETAILED DESCRIPTION OF RECLAMATION ACTIVITIES con't]

BRIEFLY DISCUSS HOW CONTAMINANTS WILL BE CONTROLLED AND MINE WASTE WILL BE DISPOSED [eg. fuel storage].
NOTE: IF CYANIDE IS USED FOR ON-SITE PROCESSING, PRC SECTION 21151.7 REQUIRES THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

ATTACH A TOPOGRAPHIC MAP SHOWING THE CONFIGURATION OF THE SITE ONCE RECLAIMED.

CHECK BOX IF MAP IS ATTACHED

LIST AND ATTACH COPIES OF ANY ADDITIONAL INFORMATION REQUIRED BY THE LEAD AGENCY AS INDICATED IN THE SMARA ORDINANCE [eg. reclamation of the mine site must comply with the provisions of the County's Oak Ordinance].

CHECK BOX IF ALL ABOVE LISTED DOCUMENTS ARE ATTACHED.

RECLAMATION STANDARDS

PURSUANT TO SMARA SECTION 2773, *MY RECLAMATION ACTIVITIES WILL COMPLY WITH THE FOLLOWING STANDARDS PROVIDED IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 14, ARTICLE 9, SECTIONS 3700-3710.*

CHECK APPLICABLE BOX

TOPSOIL SALVAGE, MAINTENANCE, AND REDISTRIBUTION - IF THE END USE CALLS FOR REVEGETATION OR CULTIVATION OF DISTURBED LANDS, I AGREE TO CONDUCT TOPSOIL SALVAGE, MAINTENANCE, AND REDISTRIBUTION ACTIVITIES IN CONFORMANCE WITH CCR SECTION 3711.

Explain the reclamation procedures you will use to meet the standard cited above:

[RECLAMATION STANDARDS con't]

CHECK APPLICABLE BOX

REVEGETATION - REVEGETATION WILL BE A PART OF MY APPROVED RECLAMATION PLAN. I AGREE TO CONDUCT MY REVEGETATION ACTIVITIES IN CONFORMANCE WITH CCR SECTION 3705. UNLESS NON-NATIVE SPECIES SUCH AS FORAGE GRASSES OR ORNAMENTALS WILL BE USED, SPECIFY AT LEAST FOUR NATIVE SPECIES THAT OCCUR ON SITE OR IN THE VICINITY OF THE PROJECT AND WILL BE USED FOR REVEGETATION.

CHECK BOX IF THE END USE PRECLUDES REVEGETATION OR THE CULTIVATION OF DISTURBED LANDS.

CHECK BOX IF REVEGETATION IS NOT CONSISTENT WITH THE APPROVED END USE.

PROPOSED REVEGETATION PLAN:

PROPOSED REVEGETATION MIX:

[RECLAMATION STANDARDS con't]



SUCCESS OF REVEGETATION WILL BE JUDGED UPON THE EFFECTIVENESS OF THE VEGETATION FOR THE APPROVED END USE AND BY COMPARING QUANTIFIED VEGETATIVE COVER, DENSITY, AND NUMBER OF SPECIES OF THE RECLAIMED MINED LANDS TO LOCAL AREAS OF NATURALLY OCCURRING VEGETATION OR PRE-MINING CONDITIONS (BASELINE).

BASELINE

PERFORMANCE STANDARD

DENSITY (NOTE 1)

COVER (NOTE 2)

SPECIES

RICHNESS (NOTE 3)

NOTE 1: NO. OF INDIVIDUAL PERENNIAL PLANTS ROOTED PER 100 SQ FT

NOTE 2: VERTICAL PROJECTION OF PERENNIAL PLANTS ONTO GROUND EXPRESSED AS % [eg. if the sun was directly over a specified area, what percentage of that area would be shaded by the trees, plants, etc.].

NOTE 3: NO. OF PERENNIAL SPECIES PER 100 SQ FT

CHECK APPLICABLE BOX



IF THE MINING OPERATION WILL NOT BE CONDUCTED ON PRIME AGRICULTURAL LANDS, AND THE SITE'S END USE WILL NOT BE AGRICULTURE, CHECK THIS BOX.



IF THE MINING OPERATION WILL BE CONDUCTED ON PRIME AGRICULTURAL LANDS, BUT THE SITE'S END USE WILL NOT BE AGRICULTURE, CHECK THIS BOX.



PRIME AGRICULTURAL LAND RECLAMATION - THE MINING OPERATION WILL BE CONDUCTED ON PRIME AGRICULTURAL LANDS, AND THE SITE'S END USE WILL BE AGRICULTURAL. THUS, I AGREE TO RECLAIM PRIME AGRICULTURAL LANDS IN CONFORMANCE WITH CCR SECTION 3707. (Explain the reclamation procedures you will use to meet the standard cited above)



RECLAMATION SUCCESS WILL BE JUDGED ON THE FOLLOWING PERFORMANCE STANDARD

BASELINE

PERFORMANCE STANDARD

PRODUCTIVITY

NOTE: PERFORMANCE STANDARD SHOULD BE BASED ON PRODUCTIVITY (e.g. bushels per pacre, tone per acre)

Empty rectangular box for signature or notes.

[RECLAMATION STANDARDS con't]

CHECK APPLICABLE BOX

OTHER AGRICULTURAL LAND RECLAMATION - THE MINING OPERATION WILL BE CONDUCTED ON NON-PRIME AGRICULTURAL LANDS WHERE THE SITE'S END USE WILL BE AGRICULTURE. THUS, I AGREE TO RECLAIM NON-PRIME AGRICULTURAL LANDS IN CONFORMANCE WITH CCR SECTION 3708. (Explain the reclamation procedures you will use to meet the standard cited above)

RECLAMATION SUCCESS WILL BE JUDGED ON THE FOLLOWING PERFORMANCE STANDARD

BASELINE PERFORMANCE STANDARD

PRODUCTIVITY

NOTE: PERFORMANCE STANDARD SHOULD BE BASED ON PRODUCTIVITY [eg. bushels per acre, tons per acre].

IF THE MINING OPERATION WILL BE CONDUCTED ON NON-PRIME AGRICULTURAL LANDS, BUT THE SITE'S END USE WILL NOT BE AGRICULTURE, CHECK THIS BOX.

WILDLIFE PROTECTION - I AGREE THAT ALL WILDLIFE AND WILDLIFE HABITAT WILL BE PROTECTED IN ACCORDANCE WITH CCR SECTION 3703 [CHECK BOX]. Provide a description of how the above protection will be accomplished:

CHECK APPLICABLE BOX

BACKFILLING, REGRADING, SLOPE STABILITY, AND RECONTOURING - I AGREE THAT ALL BACKFILLING, REGRADING, SLOPE STABILITY, AND RECONTOURING WILL CONFORM WITH CCR SECTION 3704. Explain the reclamation procedures you will use to meet the standard cited above:

CHECK THIS BOX IF FINAL RECLAIMED FILL SLOPES, INCLUDING PERMANENT PILES OR DUMPS OF MINE WASTE ROCK AND OVERBURDEN, WILL NOT EXCEED 2:1 (HORIZONTAL:VERTICAL).

EXPLANATION:

[RECLAMATION STANDARDS con't]



CHECK THIS BOX IF FINAL RECLAIMED FILL SLOPES, INCLUDING PERMANENT PILES OR DUMPS OF MINE WASTE ROCK AND OVERBURDEN, WILL BE : [INDICATED SLOPE RATIO] WHICH IS STEEPER THAN 2:1 (HORIZONTAL:VERTICAL). ATTACH A SITE-SPECIFIC GEOLOGIC AND ENGINEERING ANALYSIS THAT DEMONSTRATES THAT THE PROPOSED FINAL SLOPE WILL HAVE A MINIMUM SLOPE-STABILITY FACTOR OF SAFETY THAT IS SUITABLE FOR THE PROPOSED END USE, AND THAT THE PROPOSED FINAL SLOPES CAN BE SUCCESSFULLY REVEGETATED.

EXPLANATION:



PLEASE PROVIDE A GEOLOGIC CROSS SECTION OF CUT AND FILL SLOPES AT LOCATIONS OF MAXIMUM SLOPE HEIGHT. PLEASE IDENTIFY CROSS SECTION LOCATIONS ON THE SITE MAP.



DRAINAGE, DIVERSION STRUCTURES, WATERWAYS, AND EROSION CONTROL - I AGREE THAT ALL DRAINAGE, DIVERSION STRUCTURES, WATERWAYS, AND EROSION CONTROL FACILITIES WILL CONFORM TO CCR SECTION 3706 [CHECK BOX]. Explain the reclamation procedures you will use to meet the standard cited above:



IDENTIFY ALL DRAINAGE, DIVERSION STRUCTURES, WATERWAYS, AND EROSION CONTROL FACILITIES ON THE SITE MAP.



BUILDING, STRUCTURE, AND EQUIPMENT REMOVAL - I AGREE TO RECLAIM ANY BUILDINGS, STRUCTURES, AND EQUIPMENT AREAS IN CONFORMANCE WITH CCR SECTION 3709 [CHECK BOX]. Explain the reclamation procedures you will use to meet the standard cited above:



IDENTIFY ON THE SITE MAP THE LOCATION(S) WHERE ALL EQUIPMENT, SUPPLIES, AND OTHER MATERIALS WILL BE STORED;



IDENTIFY WHICH BUILDINGS, STRUCTURES AND EQUIPMENT WILL BE: (1) DISMANTLED AND REMOVED OFF SITE; AND/OR (2) REMAIN ON SITE AS CONSISTENT WITH THE END USED.



CLOSURE OF SURFACE OPENINGS - I AGREE TO CLOSE ALL SURFACE OPENINGS IN ACCORDANCE WITH CCR SECTION 3712 [CHECK BOX]. Explain the reclamation procedures you will use to meet the standard cited above:



IDENTIFY ALL SURFACE OPENINGS ON SITE MAP.

[RECLAMATION STANDARDS con't]

CHECK APPLICABLE BOX

STREAM PROTECTION, INCLUDING SURFACE AND GROUNDWATER - I AGREE STREAMS, INCLUDING SURFACE AND GROUNDWATER WILL BE PROTECTED IN ACCORDANCE WITH CCR SECTION 3710. Explain the reclamation procedures you will use to meet the standard cited above:

CHECK THIS BOX IF THE MINING OPERATION IS CONDUCTED IN A STREAM OR OTHER WATERWAY AND ATTACH CROSS SECTIONS, OR AERIAL PHOTOGRAPHS, IDENTIFYING BASELINE STREAMBED ELEVATIONS.

CHANGES IN CHANNEL ELEVATIONS AND BANK EROSION SHALL BE EVALUATED ANNUALLY. EXTRACTION QUANTITIES AND ANNUAL CROSS SECTIONS AND/OR AERIAL PHOTOGRAPHS SHOULD BE SUBMITTED WITH THE ANNUAL REPORT REQUIRED BY PRC SECTION 2207.

CHECK THIS BOX IF THE MINING OPERATION IS NOT CONDUCTED IN A STREAM OR OTHER WATERWAY.

MONITORING

Pursuant to CCR Section 2773(a), the success of reclamation will be monitored for three years, or until performance standards are met, provided that, during the last two years, there has been no human intervention, including, for example, irrigation, fertilization, or weeding. Remedial measures will be implemented as necessary to achieve the performance standards.

LEAD AGENCY CERTIFICATION

I, the undersigned, hereby certify that this reclamation plan complies with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et seq. and 3700 et seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, and with the requirements of the Surface Mining and Reclamation Act, Sections 2710 et seq.

Signed this _____ day of _____, 19____

_____ Planning Director _____

STATEMENT OF RESPONSIBILITIES

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et seq. and 3700 et seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et seq., and with any modifications requested by the administering agency as conditions of approval.

Signed this _____ day of _____, 19____

_____ Mine Operator or Operator's Agent _____

APPROVED

LEAD AGENCY REPRESENTATIVE (S)	DATE
(1)	
(2)	

CHECKLIST OF ATTACHMENTS

- ☒ MAP THAT IDENTIFIES HOW TO ACCESS THE MINE SITE FROM THE HIGHWAY
- ☒ TOPOGRAPHIC MAP OF LANDS THAT WILL BE AFFECTED BY MINING OPERATION
- ☒ COPY OF THE PROPOSED FINANCIAL ASSURANCE
- ☒ COPY OF THE APPROVED FINANCIAL ASSURANCE
- ☒ EVIDENCE ALL OWNERS OF A POSSESSORY INTEREST IN THE LAND TO BE MINED HAVE BEEN NOTIFIED OF THE END LAND USE
- ☒ TOPOGRAPHIC MAP SHOWING THE CONFIGURATION OF THE SITE ONCE RECLAIMED
- ☒ OTHER INFORMATION REQUIRED BY LEAD AGENCY'S SMARA ORDINANCE
DESCRIBE:

- ☒ GEOLOGIC REPORT
- ☒ OTHER REPORTS OR DOCUMENTS
DESCRIBE:

INTERIM MANAGEMENT PLAN FORM GUIDELINES
THE STATE MINING AND GEOLOGY BOARD

Sections 2770 of the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code Section 2710 et seq.) states that within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1, the operator shall submit to the lead agency (city, county, or State Mining and Geology Board [SMGB]) for review and approval, an Interim Management Plan. The requirement for an IMP was adopted as part of AB 3551 in 1990, and became effective in January 1991. These Guidelines and forms serve to clarify and supplement existing statute. They do not create new requirements for mining operators or local lead agencies. By statute, the Guidelines are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and are not subject to review by the Office of Administrative Law. The Guidelines are reviewed, revised and re-adopted as necessary. Should SMARA be amended, statute will supersede this document.

INTERIM MANAGEMENT PLANS

California's Surface Mining and Reclamation Act (SMARA) requires that within 90 days of a surface mining operation becoming idle, the operator shall submit an Interim Management Plan (IMP) to the lead agency for review and approval. Idle means to curtail surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production for a period of one or more years with the intent to resume those surface mining operations at a future date. The principles of an IMP are as follows:

1. The review and approval of an IMP is not considered a project for purposes of California Environmental Quality Act (CEQA).
2. The approved IMP is considered an amendment to the surface mining operation's approved reclamation plan.
3. The IMP shall provide measures the operator will implement to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions.
4. The IMP may remain in effect for a period not to exceed five years, at which time the lead agency shall do one of the following:
 - a. Renew the IMP for another period not to exceed five years, if the lead agency finds that the surface mining operator has complied fully with the IMP.
 - b. Require the surface mining operation to commence reclamation in accordance with its approved reclamation plan.
 - c. Allows the mine to resume active status.
5. The financial assurances required by Section 2773.1 shall remain in effect during the period that the surface mining operation is idle.

INTERIM MANAGEMENT PLAN FORM GUIDELINES
THE STATE MINING AND GEOLOGY BOARD

6. If the surface mining operation is still idle after the expiration of its IMP, the surface mining operation shall commence reclamation in accordance with its approved reclamation plan.
7. Within 60 days of the receipt of the IMP, or a longer period mutually agreed upon by the lead agency and the operator, the lead agency shall review and approve the plan in accordance with its ordinance adopted pursuant to Section 2774, subdivision (a), so long as the plan satisfies the requirements of this subdivision, and so notify the operator in writing. Otherwise, the lead agency shall notify the operator in writing of any deficiencies in the plan. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the lead agency, to submit a revised plan.
8. The lead agency shall approve or deny approval of the revised IMP within 60 days of receipt. If the lead agency denies approval of the revised IMP, the operator may appeal that action to the lead agency's governing body, which shall schedule a public hearing within 45 days of the filing of the appeal, or any longer period mutually agreed upon by the operator and the governing body.
9. Unless review of an IMP is pending before the lead agency, or an appeal is pending before the lead agency's governing body, a surface mining operation which remains idle for over one year after becoming idle as defined in Section 2727.1 without obtaining approval of an IMP shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.
10. If an operation has been idle for more than one year without obtaining an approved IMP, an application for the review of an IMP filed for the purpose of preventing the director from undertaking remediation or reclamation of abandoned mined lands under this section shall be voidable by the lead agency or the board upon notice and hearing by the lead agency or the board. In the event of conflicting determinations, the decision of the board shall prevail.

A copy of the completed IMP should be forwarded to the State Mining and Geology Board for approval within 90 days of a surface mining operation becoming idle. Plans should be mailed to:

State Mining and Geology Board
801 K Street, M.S. 20-15
Sacramento, CA 95814



INTERIM MANAGEMENT PLAN FORM

THE STATE MINING AND GEOLOGY BOARD



State of California
 DEPARTMENT OF CONSERVATION
 STATE MINING AND GEOLOGY BOARD
 INTERIM MANAGEMENT PLAN FORM

CA MINE ID# _____

MINE NAME _____

1. Company Operating	Site Contact Person	Telephone
Street Address/P.O. Box No.	City	State/ZIP Code/County

2. Designated Agent's Name (Individual must reside in CA)	Mailing Address	
City	ZIP Code	Telephone

3. Owner of Mining Operation	Telephone	
Mailing Address		
City	State/ZIP Code	Country (If other than U.S.A.)

4. Landowner	Assessor's Parcel #
Mailing Address	Telephone
City/State/ZIP Code	Country (If other than U.S.A.)

5. Number or description of reclamation plan amended by IMP	
Date Approved	Copy Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

6.a. Date Mine Became Idle	b. Date Mining Expected to Resume
----------------------------	-----------------------------------

7.a. Previous Maximum Annual Production	b. Production While Idle
---	--------------------------

INTERIM MANAGEMENT PLAN FORM
THE STATE MINING AND GEOLOGY BOARD

8. [] Yes [] No Financial Assurances approved by Lead Agency. Complete section below for approved Financial Assurances:

ATTACH COPY AND PROOF OF APPROVAL

Table with 5 columns: a. Amount, Type, Date Posted, Date of Annual Review by Lead Agency, Expiration Date or Renewal Date (If applicable)

b. [] Yes [] No Proposed changes to Financial Assurance. [] Yes [] No Financial Assurance Cost Estimate attached.

A plan for maintaining the site in a safe and stable condition that includes the following elements must be attached to this form. Check the following boxes to verify that the appropriate information is attached.

9. Management Plan (Attach narrative that addresses all of the following.)

- a. [] Description of Surface Mining Activities
b. [] Erosion Control Plan
c. [] Revegetation Plan
d. [] Public Safety
e. [] Monitoring and Maintenance Plan
f. [] Site Photos
g. [] Map

If vegetation will not be used to control erosion while the site is idle, provide an explanation and describe an alternative method for surface erosion control in the previous section.

Check the appropriate boxes and attach a map that clearly depicts the relevant information at a legible scale.

- [] Current Topography
[] Permit Reclamation Plan Boundary
[] Areas Disturbed by Surface Mining Operations
[] Stockpiles of Ore, Overburden, Waste, etc.
[] Sedimentation Pond
[] Office, Shop, Scalehouse, or Other Structures
[] Utilities
[] Site Drainage
[] Erosion Control Structures
[] Cross Sections
[] Additional Information

Five horizontal lines for additional information or notes.

INTERIM MANAGEMENT PLAN FORM
THE STATE MINING AND GEOLOGY BOARD

10. Attachments

- Approved reclamation plan (Attach only if there are proposed changes)
- Financial Assurance Cost Estimate
- Approved Financial Assurance and Proof of Approval
- Storm Water Pollution and Prevention Plan (Attach only if the SWPPP will be used in lieu of separate erosion control plan)
- Permit
- CEQA Mitigation and Monitoring Plan (Attach if mitigation measures were imposed in approving the reclamation plan)

Prepared by	Date
Submitted by	Date
Approved by	Date

INTERIM MANAGEMENT PLAN FORM GUIDELINES
THE STATE MINING AND GEOLOGY BOARD

It is the State Mining and Geology Board's (Board) policy that all professional reports, documents, calculations, plans, specifications, maps, cross sections, boring or trench logs, and diagrams (documents hereafter) which must, under applicable law, regulation or code, be prepared by or under the supervision of licensed professionals will not be accepted or considered by the Board unless at least one copy of the document bears an original signature, stamp impression or seal, and date affixed by the author in accordance with applicable law and regulation.

Also, unless otherwise directed or agreed in advance, all professionally prepared documents included in Board, or Board committee, meeting packages or presented to the Board in a meeting are to be in final form and must be signed, stamped or sealed, and dated in accordance with applicable law and regulation.

INSTRUCTIONS FOR COMPLETING AN INTERIM MANAGEMENT PLAN**1. MINING OPERATION:**

Indicate the name of the company operating the mine, the name and telephone number of the site contact person, and the street address and mailing address (if different than street address) of the mine site. The Site Contact Person is (1) the person in authority at the site of the operation, and (2) normally, the person with whom contact would be made should the lead agency require an immediate action be taken.

2. DESIGNATED AGENT:

Each operation must designate a person who resides in California as its legal agent (PRC Section 2207). The designated agent is the person who will receive and accept legal documents for the mining operation on behalf of the legal owner. Indicate the name, mailing address, and telephone number of the designated agent. If the designated agent is the same person as the owner or site contact person, you may indicate "same as owner" or "same as site contact person" and leave the rest of this section blank.

INTERIM MANAGEMENT PLAN FORM GUIDELINES
THE STATE MINING AND GEOLOGY BOARD**3. LEGAL OWNER OF OPERATION:**

Indicate the name, mailing address, country (if other than the USA) and telephone number of the legal owner of the mining operation. The legal owner may be a person, corporation, government agency, or other entity. If the operation is owned in partnership, supply this information for each partner. If the legal owner is the same person as the owner or site contact person, you may indicate "same as owner" or "same as site contact person" and leave the rest of this section blank.

4. LANDOWNER:

Indicate the name, mailing address, country (if other than the USA) and telephone number of the landowner(s). The landowner may be a governmental entity, such as the U.S. Forest Service, Bureau of Land Management, or State Lands Commission.

5. RECLAMATION PLAN STATUS:

Indicate the numbers of the use permit and reclamation plan amended by the IMP and the date of approval of the use permit and reclamation plan by the lead agency. Attach a copy of the approved reclamation and a copy of the permit for the mining operation.

6. DATE MINE BECAME IDLE:

- a. Month, day, and year. Should be within the past 90 days or in the near future.
- b. Date mining is expected to resume.

7. MAXIMUM ANNUAL PRODUCTION AND TYPE OF MATERIALS:

- a. Provide the maximum annual production that has occurred at this mine site. This information can be taken from the annual reporting form for prior years.
- b. **PRODUCTION WHILE IDLE:** If there will be limited mining while mine is idle, provide the estimated annual production (cannot exceed 10% of the maximum annual production).

8. FINANCIAL ASSURANCES:

- a. Indicate the current financial assurance amount, the type of financial assurance mechanism, and expiration date.
- b. If there are proposed changes to the financial assurance, attach a financial assurance cost estimate (FACE). The FACE should conform with the Financial Assurance Guidelines adopted by the State Mining and Geology Board.

INTERIM MANAGEMENT PLAN FORM GUIDELINES

THE STATE MINING AND GEOLOGY BOARD

9. MANAGEMENT PLAN:

Attach a narrative that describes current site conditions and the actions that will be taken to ensure that the site will be safe and stable while idle. The plan should include, but should not be limited to the following:

a. SITE DESCRIPTION:

Provide a description of the surface mining operation that includes, but is not limited to:

- i. Size (acres disturbed)
- ii. Type of mining and product
- iii. Setting (urban, rural, nearby residences/public roads, etc.)
- iv. Reason the mine is requesting idle status
- v. When mining is expected to resume
- vi. Equipment and facilities to remain onsite while the mine is idle
- vii. Production activity while the mine is idle

b. EROSION CONTROL PLAN:

A description of methods that will be used to control erosion and offsite sedimentation (such as culverts, ditches, check dams, sediment ponds, vegetation, straw bales, silt fences, mulches, straw wattles, plastic coverings, etc.) while the mine is idle. The description should include specific performance standards for erosion control (i.e. "erosion of rills greater in cross section than 5 square inches and exceeding 5 feet in length will be arrested by placement of graded rock interceptors or straw bales to show concentrated runoff within 1 week following any rainfall event").

Most mining operations must have a Storm Water Pollution and Prevention Plan (SWPPP) as required by the Regional Water Quality Board. The SWPPP will address many, if not all, the erosion control issues required for an IMP. A site specific SWPPP may be used to satisfy the erosion control requirement in the IMP if a copy of the SWPPP is attached to the IMP when it is submitted for approval. A separate erosion control plan may be incorporated into the IMP so long as it does not conflict with the site's SWPPP.

c. REVEGETATION PLAN:

If vegetation will be used to stabilize the site while it is idle, identify the plant species to be used for interim revegetation. This section should include a list or table with common and Latin plant names and application rates in pounds of pure live seed (PLS) per acre and total pounds per

INTERIM MANAGEMENT PLAN FORM GUIDELINES

THE STATE MINING AND GEOLOGY BOARD

acre. Species chosen should provide good cover for erosion control and should be capable of establishing and persisting on the site. It is usually advisable to include a leguminous species to improve the soil nitrogen content.

Describe the method(s) of seeding. Give a schedule for seed application that ensures the seed will be planted at the optimal time for establishment under local conditions. Specify the amount and type of any fertilizer or soil amendments to be used. Soil testing is recommended in order to determine the amount and type of amendments required for success. Describe any additional interim revegetation measures that are proposed such as planting container stock or cuttings. Describe how irrigation (if any) and other maintenance will be carried out and give schedules for these. Include information about potential weak species and give thresholds for weed control action and methods of control for each species. Areas to be planted should be depicted on a site map. Provide specific success criteria for interim revegetation in terms of percentage cover of vegetations.

d. **PUBLIC SAFETY:**

This section should describe the means by which public access will be controlled such as fences, gates, signs, etc. Any other measures to ensure the public health and safety should be included.

e. **MAINTENANCE AND MONITORING:**

This section should describe all maintenance and monitoring activities that will be done routinely while the site remains idle. Revegetation and erosion should be monitored

f. **SITE MAP:**

A site map should be provided that, at a minimum, includes a map scale (both written and graphical), north arrow, explanation block or legend, title block, and preparer's name. The site map should be drawn at a scale sufficient to clearly depict:

- i. Current topography
- ii. Permit/reclamation plan boundary
- iii. Areas disturbed by surface mining operations
- iv. Stockpiles of ore, overburden, waste, etc.
- v. Sedimentation ponds
- vi. Office, shop, scale house, or other structures

INTERIM MANAGEMENT PLAN FORM GUIDELINES
THE STATE MINING AND GEOLOGY BOARD

- vii. Utilities
- viii. Site drainage
- ix. Erosion control structures
- x. Cross sections that depict slopes and geology
- xi. Additional information as appropriate

10. ATTACHMENTS:

The following documents must be attached to the IMP when it is submitted to the board for approval.

- a. Approved Financial Assurance: Attach a copy of the approved financial assurance mechanism and the cost estimate.
- b. Financial Assurance Cost Estimate: If changes in the amount of financial assurance are proposed, attach a revised cost estimate.
- c. A copy of the approved reclamation plan and mining permit.
- d. A copy of the Mitigation and Monitoring Plan that was developed to ensure implementation of mitigation adopted pursuant to the California Environmental Quality Act (CEQA).
- e. A copy of the Storm Water Pollution and Prevention Plan (SWPPP) required by the Regional Water Quality Board if the SWPPP will be used to satisfy the erosion control requirement in the IMP.

PRINCIPLES FOR ADDRESSING IDLE MINING OPERATIONS UNDER THE SURFACE MINING & RECLAMATION ACT

*These principals, developed by the State Mining and Geology Board (SMGB) in question-and-answer format, are intended to clarify provisions of the Surface Mining and Reclamation Act ("SMARA"; Public Resources Code § 2710 et. seq.) and Public Resources Code §2207 relating to requirements for idle mines. These principles **do not** place additional requirements on mining operations, nor do they limit a lead agency's ability to regulate idle mines in accordance with state or federal law or local ordinance.*

(Adopted November 1994; Revised March 1996)

(1) What is an Active Mining Operation?

Surface mining operations are defined as: "...all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine." Surface mining operations include, but are not limited to, inplace distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). Surface mining operations are "active" if engaged in any of these activities on a continuous or intermittent basis, so long as interruptions in mining activities do not exceed one year.

Reference: SMARA Section 2735 and California Code of Regulations Section 3501

(2) What is an "Idle" Mining Operation?

A surface mining operation is "idle" when operations are curtailed, for a period of one year or more, by more than 90 percent of the previous maximum annual mineral production, and where there is an intent to resume surface mining operations at a future date. A surface mine is NOT "idle" in this scenario if there is NO intent to resume operations. When there is no intent to resume operations, the mine is considered to be either "active" and reclaiming, or "abandoned."

Reference: SMARA Section 2727.1

(3) What is the purpose of an Interim Management Plan?

When, for various reasons, a surface mining operation must significantly curtail operations for a period of time, it can be uneconomical or even counterproductive to begin reclamation of mines lands. While it would not be practicable to reclaim areas that will be re-disturbed in the near future, the public health and safety, as well as the environment, must be addressed until mining activities are resumed. An Interim Management Plan (IMP) is a temporary plan to address public health, safety, and environmental issues relevant to the site in question, e.g., drainage, erosion control, temporary fencing, etc.

Reference: SMARA Section 2770(h)

(4) When is an IMP Required?

Within 90 days of a mining operation becoming “idle,” the operator must submit an IMP to the lead agency for review and approval. If the IMP is not filed within this 90 day period, the mine will be deemed “abandoned” and the operator will be responsible for the costs of reclamation. (See Scenario numbers 1 and 2)

Reference: SMARA Sections 2770(h), 2773.1(b)

(5) What are the contents of an IMP?

SMARA requires the IMP to include a description of the measures the operator will implement to maintain the site in compliance with the Act, including, but not limited to, all permit conditions. Statute is otherwise silent as to the requirements of an IMP; however, measures to assure continued public health and safety should be identified. Lead agencies have the responsibility to determine what these measures should be. Any requirements deemed necessary to implement the Act’s requirements for idle mines and IMPs should be included in the lead agency’s SMARA ordinance, keeping in mind site-specific differences such as size, location, and type of mine operation.

Reference: SMARA Section 2770(h)(1)

(6) How does an IMP relate to an approved reclamation plan?

An IMP is considered to be an *amendment* to a lead agency approved reclamation plan. The operation must have an approved reclamation plan *before* an IMP can be submitted to the lead agency for action--an IMP cannot be used in lieu of a reclamation plan. Because an IMP is intended to be a temporary plan to maintain stable site conditions until mining activities are resumed, the submittal of an IMP for processing by the lead agency would NOT be just cause to re-examine an approved reclamation plan and/or cause the plan to be subsequently amended.

Reference: SMARA Section 2770(h)(1)

(7) Is an IMP subject to environmental review?

Statute specifically exempts IMPs from environmental review under the California Environmental Quality Act (CEQA).

Reference: SMARA Section 2770(h)(1)

(8) What are the processing requirements for an IMP?

Upon receipt of an IMP, the lead agency has 60 days (or a period mutually agreed upon by the lead agency and the operator) in which to review and approve the IMP, and notify the operator, in accordance with the lead agency’s SMARA ordinance. If the IMP

does not meet the requirements of SMARA, the lead agency must notify the operator in writing of identified deficiencies, and allow 30 days (or a longer period mutually agreed upon by the lead agency and the operator) for the operator to submit a revised IMP. The lead agency has 60 days upon receipt of the revised IMP in which to approve or to deny approval of the revised IMP.

Reference: SMARA Section 2770(h) (4) through (5)

Because an IMP is considered to be an amendment to an approved reclamation plan, it is subject to Department of Conservation review. Prior to approval of an IMP, the lead agency must forward the document to the Department for review. The Department is granted 30 days in which to prepare written comments on the IMP. Lead agencies must evaluate the Department's comments, if any, and if the lead agency's position differs from the Department's, the lead agency must respond, in writing, and address in detail why specific comments and suggestions were not accepted.

Reference: SMARA Section 2770(h)(1), 2774(c)

(9) What appeals, if any, are available to an operator should the IMP be denied lead agency approval?

If the lead agency denies approval of the revised IMP, SMARA guarantees the operator an appeal of that decision to the lead agency's governing body. The lead agency's governing body must schedule a public hearing on the appeal within 45 days of the filing of the appeal (or any longer period mutually agreed upon by the lead agency and the operator). Operators may not appeal unapproved IMPs to the State Mining and Geology Board or to the Department of Conservation.

Reference: SMARA Section 2770(h)(2)

(10) How long may an IMP remain in effect?

An approved IMP may remain in effect for a period not to exceed five years. Once the five-year period has ended, the lead agency may: (1) renew the IMP for up to a five-year period if the mine operator has complied fully with the IMP; or (2) require the mine operator to commence reclamation in accordance with the approved reclamation plan.

If the lead agency does not renew the IMP, then the mine operator must commence reclamation in accordance with the approved reclamation plan, or resume mining activities. SMARA states that unless review of an IMP is pending before the lead agency, or an appeal is pending before the lead agency's governing body, a mine that has been idle for over one year and has not obtained an approved IMP, shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.

Reference: SMARA Section 2770(h)(2) and (6)

(11) What are the annual requirements of an “idle” mine?

Idle mining operations must maintain lead agency approved financial assurances for reclamation. The amount of the financial assurances must be calculated, reviewed, and approved in the same manner as financial assurances for active mining operations.

Reference: SMARA Sections 2770(h)(3) and 2773.1

All surface mining operators, including those with “idle” mine status, are required to file an annual report with the Department of Conservation using forms furnished by the State Mining and Geology Board, together with the appropriate reporting fee. (See Scenario number 3.)

Reference: PRC Section 2207

Idle mining operations are subject to annual inspections to ensure the operator is complying with the permitting and IMP requirements.

Reference: SMARA Section 2774(b)

HYPOTHETICAL SCENARIOS

SCENARIO No. 1

A mining operator extracts aggregate from a dry river bed having winter flow in the past year. The next six months are unusually wet, and after the rainy season, water remains standing in some locations and is just below the surface in others. The mine operator's Department of Fish and Game 1603 Agreement prohibits the operator from mining under "wet" conditions. Therefore, no mining occurs for the entire 12 month period. The next winter also results in above normal rainfall and the same conditions exist; thus, no mining occurs for another 12 month period. Does the mine operator need an Interim Management Plan (IMP)?

ANSWER:

Under the above conditions, the mine operator would file an IMP 90 days after the first 12 month period ends if he/she intends to resume mining activities once conditions allow. The operator can specify how long, up to five years, the IMP will remain in effect. The operator may commence mining operations while an approved IMP is in effect.

SCENARIO No. 2

In 1990, a mine operation produced 100,000 short tons of mined material--the largest amount of material produced by this operation to date. During calendar years 1991 through October 1993, the mine produced between 70,000 and 90,000 short tons. From November 1993 until September 1994, the operation produced no material. In October through November 1994, the operation produced 10,000 short tons of mined materials. The operation produced no mined materials in December 1994. The operator intends to actively mine the site beginning in January 1997. How would this operator file annual reports for the 1993 and 1994 reporting year? When would the operator be required to file an IMP?

ANSWER:

This operator would file as an active mine operation for the 1993 reporting (calendar) year since he/she produced more than 10% of the previous annual maximum. For the 1994 reporting year, the operator would file as idle.

Since the operator intends to resume active mining, and from November 1993 to November 1994 the mine produced less than 10% of the previous annual maximum (10,000 short tons), the operator should have an approved IMP by February 1995 (90 days after the mine operation became idle). A copy of the IMP would be filed with the 1994 annual report due on July 1, 1995.

SCENARIO No. 3

A mining operator spends one calendar year mining and compiling a large stockpile. Calendar years two through five, the operator does not extract new material, but sells materials from the stockpile. Year six, the mining operator begins the cycle over by

mining new material during one calendar year to rebuild the stockpile. What are the annual reporting requirements for calendar years one through six?

ANSWER A:

If the stockpile is located on the SAME site minerals are extracted, the mining operator would report as an “active mine” for each calendar year. California Code of Regulations Section 3501 defines the segregation and stockpiling of mined materials, and the recovery of same, as a surface mining operation. Therefore, if a mine operator continues to remove mined materials for a stockpile on a year-round basis, the mine is considered active for annual reporting purposes.

ANSWER B:

The mine operator would file as “idle” for years two through six, and must obtain an approved IMP in year two, if the stockpile is on a plant site NOT located on the same site from which minerals are extracted. The mining operator may be exempt from filing an annual report for the stockpile site only. SMARA Section 2714(c) states the operation of a plant site used for on-site stockpiling and on-site recovery of mined materials may be considered exempt from SMARA and annual reporting requirements if the following conditions are met:

(1) the plant is located on lands designated for industrial or commercial uses in the applicable county or city general plan;

(2) the plant is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the applicable city of county;

(3) none of the minerals being processed are be extracted on-site;

(4) all reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.

In this instance, it is recommended that the mine operator contact the lead agency to determine whether the site qualifies for this exemption. If so, the mine operator would not file an annual report. If the site does not qualify for this exemption, the mine operator would file his/her annual report as directed in Answer A.

(Note: Regardless of whether a report is filed annually for the stockpile, the mining operator is still required to file an annual report for the site where the mined materials are being extracted.)



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

**Petition for
Classification of Mineral Lands**
(Pursuant to Public Resources Code Section 2761)

Part I
Mineral Information

1. The petitioner's name, mailing address and interest (owner, lessee, agent, or other) in the area to be considered for classification.

2. Name and legal description of petitioned deposit. Include acreage and the township, range, and section(s). Attach map (USGS 7 1/2 minute quadrangle or other appropriate map) showing the boundaries of the area the petitioner wishes to have classified.

3. A description of the significant mineral deposits claimed to occur within the area described, including sufficient geologic and economic data to support the claim that the mineral deposits are significant as defined in the "Guidelines for Classification and Designation of Mineral Lands."

a. Geologic setting (Attach map)

SMGB Petition Form for Classification of Mineral Lands
Page 2

b. Mineral commodities

c. Value of deposit ^{a, b} _____

Tonnage ^b _____ Grade ^b _____

^a Gross selling price of first marketable product

^b Estimated values

The mineral information (Part I) of this petition and its supporting documentation are accurate and supportable by the supplied information and the deposit is as stated.

Signature of Petitioner

Date _____

Part II
Land-Use Information

- 4. The name and mailing address of each recorded land owner and each recorded lessee in and adjoining the area described. (Attach separate sheet)
- 5. Action requested. Indicate the Mineral Land Classification category or categories that you deem appropriate for the mineral deposit(s) to be classified.

The land-use information (Part II) to this petition and its supporting documentation are accurate and supportable by the supplied information.

Signature of Petitioner

Date _____

This petition form serves as a guide to content and format, and may be used to summarize attached supporting project-specific documentation that is professionally prepared in accordance with board requirements. Additional information sheets may be attached as necessary.

Professional reports, documents, calculations, plans, specifications, maps, cross sections, boring or trench logs, and diagrams, hereafter collectively referred to as documents, which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals will not be accepted or considered by the SMGB, or a SMGB Committee, unless at least one copy of the document bears an original signature, stamp impression or seal, and date affixed by the author in accordance with applicable law and regulation. Unless otherwise directed or agreed in advance, all professionally prepared documents included in SMGB, or SMGB committee, meeting packages or presented to the SMGB in a meeting are to be in final form and must be signed, stamped or sealed, and dated in accordance with applicable law and regulation.