



Imperial County Planning & Development Services Planning / Building

March 1, 2024

Jim Minnick
DIRECTOR

Subject: Request for Proposal – Surface Mining and Reclamation Act Services

This Proposal is to invite any interested person, firm, or corporation to submit a proposal to the Imperial County Planning & Development Services Department (County) for professional services pertaining to the Surface Mining Reclamation Act (SMARA). Specifically, this proposal seeks the services of a qualified person/firm to perform the annual mining inspections and daily SMARA activities pursuant to requirements of the SMARA of the State of California.

SPECIFIC SERVICES REQUESTED

The County is the lead implementing agency for the Surface Mining program and processes all applications for new or expanded mining operations, including those located on Federal Land. The County is seeking a qualified individual or firm to perform the required annual inspections for all mine sites located in the County. It is expected that this person/firm, acting as a consultant to the County, would perform the physical inspections for each site on an annual basis, would complete the required documentation (see Attachment A) and would perform related function including the review of financial assurance documents, Conditional Use Permit and Reclamation Plans to meet the requirements of the State mandated regulations. The minimum specific tasks are identified later in this request for proposal (RFP).

QUALIFICATIONS

The County is seeking an individual or firm who has the following minimum qualifications:

1. Must have a California Driver's License and meet the minimum County vehicle liability insurance requirements.
2. Must provide assurance to the County that you have a vehicle capable of safely providing transportation to and from each site, recognizing that many of these sites require the use of four-wheel drive vehicles.
3. Must have a comprehensive understanding of SMARA. The Division of Mine Reclamation's (DMR) guidance document for inspections (Attachment B) and particularly, the requirements of an annual inspection. This knowledge must be through training and experience.
4. Must have participated in a recent Division of Mine Reclamation (DMR) Workshop and possess a current certificate of completion, as required by the State for all mine inspectors.
5. Must be a licensed engineer or geologist and have a proven background in engineering or geology.
6. Must have performed at least five (5) surface mining inspections that met the requirements of SMARA.
7. Must have at least one year of experience working with surface mining permitting, inspections or reviews, either with a governmental agency or with a private firm.

8. Must provide assurance to the County that you do not have a conflict of interest with any of the mining sites or mining operators listed on the attached form (Attachment C). The County cannot accept an individual or firm that is either currently working for one or more owners or operators or who has done work for one or more owners/operator during the last 24-month period for a project that is still pending. In addition, the County will require assurances that the Consultant will not perform work for any of the listed mine owners or operators.
9. Must provide assurance that the inspections will be completed in a timely manner. Failure to do so will result in a penalty against the Consultant.
10. Must be familiar with and follow the current inspection forms provided by DMR (see Attachment A for the current Notice of Completion of Inspection form (NOCI-1) and the Surface Mining Inspection Report (MRRC-1).
11. Must review, financial assurance cost estimates (FACEs), interim management plans (IMPs), conditional use permits (CUPs), mitigation monitoring reporting programs (MMRPs), reclamation plans, and any other documents that are required by the operator for compliance.
12. On call services as needed, including environmental analysis pertaining to the California Environmental Quality Act (CEQA).

CURRENT MINE OPERATIONS IN IMPERIAL COUNTY

Attached to this RFP is a list (Attachment C) of all mining projects known to exist in the County. All interested persons are advised that this list is for general information and should be used in the preparation of a response. In addition to the list, a copy of mine location map (Attachment D) is also enclosed to provide a general location index.

SCOPE OF WORK

In accordance with the circumstances described above, the County seeks a firm to provide the following generally described phases of service:

1. Coordinate with the County and State as required by the County Surface Mining Ordinance (SMO) and SMARA annual inspections; FACE and Financial Assurance Mechanism (FAM) review and Operator's Annual Conditions of Approval Report inspection and review each calendar year. Report back to the County on compliance issues, prepare annual inspection and condition compliance reports for the County and Planning Commission and submittal to the State.
2. Be available on an as-needed basis for general reviews of reclamation plans, reclamation plan updates, modifications and amendments, and FACEs and FAMs, as required by SMARA and the County SMO.
3. Be available, on an as-needed basis, to assist County staff with identification and resolution of critical geotechnical and engineering issues at quarries and mines.
4. Be available, on an as-needed basis, for general review of geotechnical issues not addressed by County staff where geotechnical/engineering expertise is required.
5. Be available, on an as-needed basis, to help with analysis and resolution of emergencies (slides, flooding, etc.).
6. Be available, on an as-needed basis, to help with analysis and resolution of compliance and enforcement of SMARA, SMO and Zoning.
7. Perform peer-review of Geological sections of Environmental Impact Reports (EIR) for various planning projects.
8. Coordinate and schedule meetings as required and necessary with the applicant (mine operators), County staff, other agencies having jurisdiction, property owners, consultants/professionals, etc. and the general public.

9. Review and become familiar with all pertinent data on the surface mine(s) permitted in the County, including but not limited to, location, geology, existing surface mining permit, prior annual reports, FACEs, reclamation plan or interim management plan, etc.
10. Assist staff in processing surface mining permits, permit modifications, reclamation plans and amendments, resolving technical issues related to the application.
11. Develop CEQA compliance documents, including EIRs, Negative Declarations and Exemptions.
12. Prepare written reports, photographs and other documentation for staff, the Planning Commission, and the general public.
13. Be available for site visits, community meetings and public hearing(s), which may occur outside of normal business hours or in the evenings.

The services generally described above shall include, but not be limited to, the following more specific descriptions of tasks:

Lead Agency Reporting Requirements

Respondent shall assist the County with submitting the following forms electronically to DMR by the specified deadlines:

- Approved reclamation plans within 60 days of receipt and approval in accordance with subparagraph (B) of paragraph (7) of subdivision (b) Public Resources Code (PRC) Section 2772.1, including reclamation plans approved or upheld by the board or lead agency following an appeal pursuant to subdivision (e) of PRC Section 2770.
- Interim management plans at the time of approval pursuant to subdivision (e) of PRC section 2770
- FAMs at the time of approval pursuant to subdivision (e) of PRC Section 2773.4.
- Notices of violations at the time of issuance pursuant to paragraph (1) of subdivision (a) of PRC Section 2774.1.
- Orders to comply at the time of issuance pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of PRC Section 2774.1
- Notices of violations at the time of issuance pursuant to the surface mining ordinance of Imperial County.
- Stipulated orders to comply at the time of issuance pursuant to subparagraph (a) of paragraph (2) of subdivision (a) of PRC Section 2774.1.
- Orders imposing an administrative penalty at the time of issuance pursuant to subdivision (c) of PRC Section 2774.1
- Administrative decisions at the time of issuance following an appeal of an order to comply issued pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of at the time of issuance pursuant to subdivision (c) of PRC Section 2774.1
- Notices to an operator of a violation or failure to comply with an order to comply or stipulated order to comply at the time of issuance pursuant to subdivision (d) of PRC Section 2774.1.
- Notices of completion of inspection within 90 days of the inspection, including the completed inspection form, at the time of issuance pursuant to subdivision (b) of PRC Section 2774.
- Permits at the time of approval to conduct surface mining operations pursuant to PRC Section 2770.
- Vested rights determinations pursuant to PRC Section 2776.

Annual Mine Report Monitoring

- Respondent shall ensure all Mine Operators with active and idle mines complete and submit the proper annual reporting forms in accordance with PRC Section 2207.

Mine Inspection, Annual Conditions of Approval Report Verification and Compliance

- All mine inspections shall be conducted by an individual who is a state- licensed geologist, state-licensed civil engineer, state-licensed landscape architect, state-licensed forester, or a qualified lead agency employee who has not been employed by surface mining operation during the previous 12 months (PRC Section 2774(b)(1)). On or after July 1, 2020, all inspectors shall have on file with the lead agency and DMR a certificate of completion of an inspection workshop pursuant to PRC Section (2774(d)(3)).
- Respondent shall inspect mines using the guidance document for surface mine inspections (GDSMI) as described in California Code of Regulations (CCR) Section 3504.6. The inspections are to ensure compliance with all federal, state and local statutory and regulatory requirements, specifically but not limited to PRC Section 2774(b) and CCR Sections 3504.5 and 3504.6.
- Respondent is to perform a surface mining permit conditions of approval and reclamation plan compliance review simultaneously with the annual mine inspection of the mining operations. Respondent is to review the surface mining permit conditions of approval, reclamation plan and all previous inspections and reports prior to the mine inspection to ensure the operator is in compliance with the surface mining permit conditions of approval, uses and reclamation plan requirements.
- Respondent shall conduct the mine inspection on the requested date provided by the mine operator through the Mining Operation Annual Report form required by PRC Section 2207. If the Respondent is unable to inspect the mine on the requested date, the Respondent shall provide five days written notice of the newly scheduled inspection date to the operator.
- If a surface mining operation is not in compliance with the established regulations of SMARA, the Respondent is to notify the County and issue a notice of the violation to the Operator and DMR Supervisor. The Respondent is to follow the process established by PRC Section 2774.1.
- Respondent is to use the acceptable surface mining and reclamation practices outlined in CCR Section 3507 as a guide when inspecting the mines for compliance with PRC Section 2774.1.
- Respondent is to reference the performance standards outlined in CCR Sections 3703 through 3713 when reviewing mine operation compliance.
- Respondent is to assist the County in ensuring mine operations compliance with typical requirements for the following environmental acts:
 - CEQA and CEQA Guidelines
 - The Clean Water Act; including Section 404 Permits
 - California Endangered Species Act and Federal Endangered Species Acts
 - California Fish and Game Code; including 1602 Streambed Alteration Agreements
 - Processing of Storm water Pollution Prevention Plans (SWPPP's)
 - Spill Prevention Control and Countermeasures Plans (SPCCP's)
 - And other State and Federal regulations to protect the environment.

Financial Assurance Verification

- Respondent shall review FACEs annually to ensure that the funding is adequate to perform the actions specified in the approved reclamation plan as defined in PRC Section 2773.1. When reviewing financial assurances, Respondent is to refer to PRC Sections 2773.1, 2773.1.5 and CCR Article 11 Section 3800 et. seq. and CCR Section 3702.
- Once the initial review of the FACE is complete, the Respondent is to submit the FACE to the DMR Supervisor for review (PRC Section 2773.4). It is the Respondent's responsibility to ensure that the FACE provided by the Operator is adequate, complete, and consistent with PRC Section 2773.1 and CCR Article 11, Section 3800 et. seq. FACEs shall be filled out on the most current form (currently form FACE-1) as required by CCR Section 3805.1.

- Respondent shall coordinate all correspondence between the County, DMR Supervisor, State Mining and Geology Board (SMGB), and Operator during the annual financial assurance verification process to ensure applicable timelines are met.
- Once the FACE is approved and deemed adequate, the Respondent is to obtain the FAM from the Operator for the Imperial County's records. The Respondent is to review, report, and resolve any discrepancies between the provided FAM and the approved FACE.
- On an as-needed basis the Respondent is to assist with the completion of the FACE-1 form for the requested mining operations. The Respondent is to use the guidelines outlined in CCR Section 3804 when calculating the FACE.
- On an as-needed basis, the Respondent shall assist the County with the appeal process to ensure all SMARA regulations and requirements are met by specified deadlines as outlined in PRC Section 2770 and CCR Article 7 commencing with Section 3680.
- On an as-needed basis, the Respondent is to assist the County with Public Hearings regarding mining operations with insufficient funds to complete reclamation plans or abandoned surface mining locations as outlined in PRC Section 2773.1(b).

Permit Application Review, Processing and Approval

- On an as-needed basis, the Respondent shall assist the County with new and existing surface mine permit, conditions of approval and/or reclamation plan amendment or modification application review, processing, and approval per the County's Surface Mining Ordinance. The Respondent shall work with the County to review the submitted mine permit application to ensure it is complete and compliant with PRC Sections 2772 and 2773 and the County's current application form. Services may include, but not limited to:
 - Reviewing application to determine completeness,
 - Processing fees,
 - Reviewing site plan, operations plan, and reclamation plan,
 - Distribution of complete surface mining permit application to various stakeholders,
 - Preparation of the letter of completeness,
 - Assistance with compliance review, including but not limited to compliance with SMARA and SMARA regulations, CEQA and CEQA guidelines,
 - Assistance with staff report and preparation of presentation for the County Planning Commission review.
- On an as-needed basis, the Respondent is to assist the County with denied permit appeals to ensure the County follows all procedures outlined in PRC Section 2775 and CCR Article 4 commencing with Section 3625.

Reclamation Plan Review and Approval

- On an as-needed basis, Respondent shall review, and process submitted reclamation plans; plan amendments; surface mine permits and conditions of approval amendment and modification applications and ensure all required information is provided as outlined in PRC Section 2772.
- Once the initial review of the reclamation plan; plan amendments; surface mine permit and conditions of approval amendment and modification application is completed, including the required staff report to the Planning Commission; the Respondent shall send the complete amendment or modification application relating to SMARA to the DMR Supervisor for review and approval by the SMGB as outlined in PRC Section 2772.1(a)(1).
- Prior to submittal of the proposed SMARA amendment or modification application, the Respondent is to ensure compliance with all applicable requirements of PRC Sections 2772, 2773, 2773.3, CCR Article 1 commencing with Section 3500, CCR Article 9 commencing with Section 3700, and the County's Surface Mining Ordinance as outlined in PRC Section 2772.1.
- The Respondent shall coordinate all correspondence between the County, DMR Supervisor, SMGB, and

- Operator (PRC Section 2772.1).
- Within 30 days of final approval of the reclamation plan or plan amendment, the Respondent shall provide the DMR Supervisor with notice of the approval. No later than 60 days after the approval of the reclamation plan or plan amendment; the Respondent shall provide the DMR Supervisor with an official copy of the approved reclamation plan or plan amendment. The official copy shall include all requirements outlined in PRC Section 2772.1.
 - On the County's behalf the Respondent shall record a "Notice of Reclamation Plan Approval" with the County Recorder upon approval of a reclamation plan or an amendment to a reclamation plan. The Respondent shall follow the guidelines outlined in PRC Section 2772.7 when filing the "Notice of Reclamation Plan Approval."
 - On an as-needed basis the Respondent shall assist the County with the appeal process to ensure all SMARA regulations and requirements are met by specified deadlines as outlined in PRC Section 2770 and CCR Article 4 commencing with Section 3650.

Public Record Requests

- On an as-needed basis, Respondent shall assist the County with preparing information for Public Records Requests pursuant to the regulations provided by PRC Section 2778.
- On an as-needed basis, the Respondent shall assist the County with preparing materials to be presented to the public regarding the County's surface mining operations.

FORMAT OF RESPONSE

The County is interested in obtaining the services of a qualified but cost-effective consultant for a contract up to five years. The County is also interested in receiving a response to this RFP in the outline attached hereto (Attachment E). While you do not have to use the exact outline, it is the desire of the County to be able to compare applications in an easy-to-read comparison. Lengthy and voluminous brochures, company background profiles, personnel profiles are unnecessary and are not being solicited. The County is interested in the qualifications, and in the ability of the consultants as well as the cost of providing service.

CONTRACT TERM

The County anticipates entering into a contract with the successful responder within 60 to 90 days from being selected and anticipates the contractual obligations to commence at the first of the year (on or before January 1, 2025). The contract term will be for up to five years, which may then be extended for successive year(s) upon determination by the County that the consultant is still necessary and has performed to the Departments expectations during the prior year. Nothing in this RFP or in a contract should be assumed as a guarantee for successive contracts as the County may opt for annual RFPs. Most importantly, if the County ceases to be the lead implementing agency for this program, any such contract entered into between the County and the Consultant shall be null and void.

COST PROPOSALS

It is the intent of the County to secure these services on a fixed cost basis. Specifically, we are requesting that your proposal provide a fixed cost that would be charged to each mining operation. This fixed cost must **include all supplies, materials, vehicle, etc.** The County will not accept "time & material" proposals and any such proposal will immediately be disqualified. The County anticipates three levels of fixed costs.

These would be as follows:

Level 1: Mining operations less than 100 acres (gross) in size as per approved SMARA Plan.

Level 2: Mining operations greater than 100 acres but less than 640 acres as per approved SMARA Plan.

Level 3: (a) Mining operation greater than 640 acres per approved SMARA Plan, and (b) All precious metal (i.e. gold, silver, uranium, etc.) mines regardless of size.

DUE DATE

All proposals submitted must be received by the Department on or before 5:00 p.m. on April 1, 2024. Any proposal not physically in our office prior to the date and time shown will be returned and not accepted.

County of Imperial
Planning & Development Services Department
801 W. Main Street, El Centro, CA 92243
ATTN: Michael Abraham, AICP
Assistant Planning & Development Services Director

Should you have any questions or comments, please feel free to contact Michael Abraham, (442) 265-1736 or via email at michaelabraham@co.imperial.ca.us.

Sincerely,



Jim Minnick, Director
Planning & Development Services Department

Attachments: Attachment A Notice of Completion of Inspection (2019) and MRRC-2 (2019)
Attachment B Guidance Document for Surface Mine Inspectors (DOC, 2018)
Attachment C List of Current Active Mining Sites and Operators
Attachment D Map of Existing Mine Operations
Attachment E Response Outline

CC: Jim Minnick, Director of Planning and Development Services
Michael Abraham, AICP, Asst. Director of Planning and Development Services
Diana Robinson, Planning Manager of Planning and Development Services
Gloria M. Flores, Accountant Auditor of Planning and Development Services
File: 10.102, 10.101, 10.104, 70.140

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Attachment A

Notice of Completion of Inspection (2019) and MRRC-2 (2019)

(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

*(Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

- Compliant** with SMARA, including the approved reclamation plan.
- Not Compliant** with SMARA, including the approved reclamation plan.
- Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

*(Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)*

Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.

Not Applicable

(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.
 Yes No

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?
 Yes No

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?
 Yes No

(XI) Lead Agency Representative Signature:

Signature: _____

Name: _____
(please print)

Title: _____

(XII) cc: _____
(Surface Mine Operator)

cc: _____
(Federal Entity, if required)

- Attachments:**
- Surface Mine Inspection Report, form MRRRC-1
 - Other reports or documents, if any.

| | |
|----------------------------|---------------------------|
| Date Inspection Conducted: | CA Mine ID Number: 91- |
|----------------------------|---------------------------|

SURFACE MINING INSPECTION REPORT

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|----------------------|
| I. Mine Name: |
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| | | |
|--------------------------------|----------------|------------|
| II. Mine Operator: | | |
| Mailing Address: | | |
| City: | State: | ZIP Code: |
| Name of Onsite Contact Person: | Email Address: | Telephone: |

| | | |
|-------------------------------------|------------|-----------|
| III. SMARA Lead Agency Name: | | |
| Inspector's Name: | | |
| Name of Entity or Organization: | | |
| Inspector's Mailing Address: | | |
| City: | State: | ZIP Code: |
| E-mail Address: | Telephone: | |

| | |
|--|------------------------------------|
| IV. Approved Documents | |
| Permit Number: <input type="checkbox"/> Not Applicable | Expiration Date, if Applicable: |
| Vested Right: <input type="checkbox"/> Not Applicable | Date of Lead Agency Determination: |
| Reclamation Plan Number: | Date Approved: |
| Interim Management Plan: <input type="checkbox"/> Not Applicable <input type="checkbox"/> Initial <input type="checkbox"/> 1 st Renewal <input type="checkbox"/> 2 nd Renewal | Date Approved: |

| | |
|--|---|
| V. Is this operation located partly or solely on Federal land? | Check One: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Are there any Federal authorizations associated with this operation? If yes, explain: | Check One: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Inspecting Agency Code(s): | Reason for Inspection: |
| Land Use Designation/Zoning for Surface Mine Operation: | |

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|----------------------------|---------------------------|
| Date Inspection Conducted: | CA Mine ID Number: 91- |
|----------------------------|---------------------------|

SURFACE MINING INSPECTION REPORT

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|---|--------------|
| VI. Financial Assurances | |
| A. Information on Financial Assurance Cost Estimate | |
| Date and Amount of Most Recently Approved Financial Assurance Cost Estimate | |
| Date: | Amount: \$ |
| <input type="checkbox"/> Other Information? | Explanation: |

| B. Information on Financial Assurance Mechanism(s) | | | | |
|---|--|----------------------|------------------------------|--------------------------------------|
| Type of Financial Assurance Mechanism(s): | Financial Assurance Mechanism Number(s): | Amount of Mechanism: | Date of Expiration: | Date of Approval by the Lead Agency: |
| | | | | |
| Total Amount of Mechanism(s): | | | | |
| Has there been a change of operator since the last inspection? If yes, provide the date of notice. | | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Date of Change: | | | | |

| VII. 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 VII. [Use separate sheet(s) where necessary. Refer to item numbers below] | | |
|--|--|--|
| Potential Reclamation Plan Requirements | List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection) | Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary) |
| A) General Information | | |
| 1) Approved mineral type(s) | | |
| 2) Approved production amount (Annual/Gross) | | |
| 3) Termination date of operations | | |
| 4) Permit end date | | |

SURFACE MINING INSPECTION REPORT

| VII. 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 VII. [Use separate sheet(s) where necessary. Refer to item numbers below] | | |
|--|--|--|
| Potential Reclamation Plan Requirements | List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection) | Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary) |
| 5) Anticipated/approved use of mined lands after reclamation | | |
| 6) Description of pre-SMARA disturbances, if any | | |
| B) Boundaries | | |
| 1) Property boundary | | |
| 2) Permit boundary | | |
| 3) Reclamation plan boundary (RPB) | | |
| 4) Setbacks | | |
| C) Slopes – Grading | | |
| 1) Fill Slopes – | | |
| i. Slopes – Active (max/current) | | |
| ii. Slopes – Reclaimed | | |
| iii. Compaction | | |
| 2) Cut Slopes – | | |
| i. Slopes – Active (max/current) | | |
| ii. Slopes – Reclaimed | | |
| D) Erosion Control | | |
| 1) Best management practices (BMPs) | | |
| 2) Grading | | |
| 3) Vegetation | | |
| E) Ponds | | |
| 1) Design – Function | | |
| 2) Capacity (area/depth/volume) | | |
| 3) Maintenance | | |
| F) Stream & Wetland Protection | | |
| 1) Buffers (distance to channel) | | |
| 2) Berms (distance/length/height) | | |
| 3) BMPs | | |
| 4) Drainage | | |

SURFACE MINING INSPECTION REPORT

| VII. 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 VII. [Use separate sheet(s) where necessary. Refer to item numbers below] | | |
|--|---|---|
| Potential Reclamation Plan Requirements | List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection) | Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA. (Note additional comments on Section VIII as necessary) |
| 5) Grading and slopes | | |
| 6) Stockpiles | | |
| 7) Stream diversions | | |
| G) Sensitive Wildlife & Plant Protection | | |
| 1) List species | | |
| 2) Protection measures | | |
| H) Soil/Overburden Stockpile Management | | |
| 1) Topsoil | | |
| i. Location | | |
| ii. Slope stability | | |
| iii. BMPs | | |
| 2) Overburden | | |
| i. Location | | |
| ii. Slope stability | | |
| iii. BMPs | | |
| 3) Topsoil Application | | |
| i. Amendments | | |
| ii. Depth | | |
| iii. Moisture | | |
| iv. Application methods | | |
| I) Revegetation | | |
| 1) Test plots | | |
| 2) Species mix | | |
| 3) Density | | |
| 4) Percent cover | | |
| 5) Species richness | | |
| 6) Protection | | |
| 7) Success monitoring | | |
| 8) Invasive species control | | |
| J) Structures | | |
| K) Equipment | | |

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|----------------------------|---------------------------|
| Date Inspection Conducted: | CA Mine ID Number: 91- |
|----------------------------|---------------------------|

SURFACE MINING INSPECTION REPORT

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|--|
| F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection. |
| G. Describe any limitations encountered during the inspection: |
| H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA: |
| I. Do any of those conditions or aspects require further evaluation? <input type="checkbox"/> No <input type="checkbox"/> Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist): |
| J. Was a Notice of Violation issued for any of the above? <input type="checkbox"/> No, describe: <input type="checkbox"/> Yes, describe: |
| K. Describe remedial activities for any pre-existing or existing enforcement actions: |
| L. Duration of Inspection: Start Time: _____ Finish Time: _____ |
| M. Weather Code(s): |
| N. Status of Mine Code(s): |
| O. Inspection Attendees and Affiliations |

| | | |
|---|------------------------------|--|
| IX. Inspector's "Certificate of Completion of Inspection Workshop" Number: | Inspectors Signature: | If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number: |
| Certification Expiration Date: | Date Signed: | |

**STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF MINE RECLAMATION**

SURFACE MINING INSPECTION REPORT, FORM MRRC-1, INSTRUCTIONS

GENERAL INFORMATION

This report form is intended to comply with the requirements of California's Surface Mining and Reclamation Act of 1975 (SMARA – Public Resources Code §§ 2710 et seq., and the associated California Code of Regulations found in Title 14, Division 2, commencing with § 3500, hereinafter respectively "PRC" or "CCR") and specifically PRC § 2774(b) and CCR § 3504.5 for surface mining operations (operation).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
715 P Street, MS 19-05
Sacramento, CA 95814-3529

If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

**INSTRUCTIONS FOR COMPLETING THE SURFACE MINING INSPECTION REPORT
FORM MRRC-1**

PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED

**NOTE: YOU MUST WRITE THE DATE INSPECTION CONDUCTED AND THE CALIFORNIA MINE ID
NUMBER AND AT THE TOP OF PAGE 1**

1. **BLOCK I:** Enter the name of the mine as indicated on the Annual Report.
2. **BLOCK II:** Enter the name and mailing address of the Mine Operator (Operator), the name of the person serving as the onsite contact, their email address and phone number.
3. **BLOCK III:** For "Lead Agency," enter the name of the SMARA Lead Agency that is conducting this inspection, the name of the inspector and contact information. For "Entity or Organization," enter the name of the entity or organization that employs the inspector.
4. **BLOCK IV:** Enter information with respect to the currently approved reclamation plan, permit and/or vested right and Interim Management Plan. Check Not Applicable as appropriate. In cases where a Reclamation Plan Number has not been assigned by the lead agency, enter any unique lead agency assigned identifier for the approved reclamation plan.
5. **BLOCK V:** Indicate if the operation is located on Federal land. Please identify any government entities or agencies, other than the Lead Agency noted above, that accompanied the inspection.

Inspecting Agency Codes: (can choose multiple)

| | | | | | |
|------|---|--------------------------------------|-----|---|---------------------------------|
| None | = | None | DFW | = | Department of Fish and Wildlife |
| BLM | = | Bureau of Land Management | NPS | = | National Park Service |
| USFS | = | U.S. Forest Service | DOC | = | Department of Conservation |
| RB | = | Regional Water Quality Control Board | O | = | Other (list Agency) |

Reason for Inspection: (can choose multiple)

| | | | | | |
|----|---|----------------------|----|---|--------------------------------|
| AI | = | Annual Inspection | RE | = | Re-inspection |
| PC | = | Public Concern | O | = | Other Reason |
| OA | = | Other Agency Request | AR | = | Acknowledgement of Reclamation |

Provide the land use designation or the zoning information for the parcels on which the mined lands are located.

6. **BLOCK VI:** "Financial Assurances" consist of a current approved Financial Assurance Cost Estimate and a Financial Assurance Mechanism that is at least equal to the current approved Financial Assurance Cost Estimate (PRC § 2736).

The Financial Assurance amount must be reviewed and approved once each calendar year 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 the State Mining and Geology Board (SMGB) Financial Assurance Guidelines). In order to determine what adjustments, if any, are appropriate to the Financial Assurance Mechanism amount, each mine operator must submit once each calendar year a revision of the written Financial Assurance Cost Estimate to the Lead Agency (CCR § 3804(c)). An Operator shall provide an updated annual Financial Assurance Cost Estimate to the Lead Agency for review within 30-days of conducting of the annual inspection (PRC § 2773.4(d)(1)(A)). Provide the date and amount of the currently approved Financial Assurance Cost Estimate.

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 current Financial Assurance Cost Estimate and/or Financial Assurance Mechanism, explain in detail. A Financial Assurance Cost Estimate is considered current if it has been approved in accordance with applicable requirements of PRC § 2773.4 within the current or previous calendar year.

Type of Financial Assurance Mechanism(s): Fill in the type of mechanism(s) that are on file. CCR § 3803 and the SMGB Financial Assurance Guidelines 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 a 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 the mechanism(s) held for reclamation of mined lands.

7. BLOCK VII:

INSTRUCTIONS FOR EACH DATA COLUMN:

Potential Reclamation Plan Requirements (Column 1): Under PRC § 2772 and CCR §§ 3501, 3502, and as described in the Guidance Document for Surface Mine Inspectors in CCR § 3504.6 inspections may include 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; effects of sidecasting and 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 SMARA, and specifically the approved reclamation plan. 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 and 2772.1, which may include conditions of approval, other permit requirements and supplementary documents, including environmental documents, prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000)).

It is not expected that all reclamation plans will include each item of Section VIII VII or be limited to the items listed. Items in Column 1 that are not in the reclamation plan may not need to be addressed in the inspection. In instances where the reclamation plan lacks specific details for the reclamation of mined lands, the inspector may need to consider if additional reclamation requirements or specifics are needed to achieve the proposed use after reclamation. Reclamation plan requirements not listed in Items 1A through 12L may be listed in Item 13M, under "Other Reclamation Plan Requirements."

Reclamation Plan Requirements (Column 2): Prior to conducting the field inspection, the inspector must review the approved reclamation plan, any amendments, and other reclamation requirements as part of a permit application for the operation that were used to satisfy the requirements of PRC §§ 2772(c), 2773 and 2773.3 and Article 1 (commencing with § 3500) and Article 9 (commencing with § 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and any approved modifications contained in permit conditions of approval (COA) or binding mitigation measures adopted pursuant to the CEQA included by reference in the approved reclamation plan pursuant to PRC §§ 2772(d) and 2772.1(b). The most recently approved Financial Assurance Cost Estimate and any pending or

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 above, in PRC §§ 2772 and 2772.1. 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) Plan of Operations (POO), Environmental Impact Report (EIR), Waste Discharge Report (WDR), Stormwater Pollution Prevention Program (SWPPP), etc. If items listed in Column 1 of Section VII 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 ensure current activity at the site will not prohibit reclamation in accordance with the approved reclamation plan.

Site Observations and Compliance Issues (Column 3): Use this space to note current site observations and to describe site conditions and aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA, if any, noted for both operating and reclaimed surfaces that pertain to the reclaimed condition of mined lands.

Site conditions that are or may be inconsistent with SMARA include unanticipated but actual conditions encountered as the mining operation progresses, for which mitigation measures were not fully addressed in the reclamation plan and which affect any aspect of reclamation or calculation of the FACE, as described in the approved reclamation plan.

8. **BLOCK VIII:** The inspector responds to the statements or questions in the space provided for (A) through (O). Additional instructions are provided below for (A), (F), (G), (I), (J), (L), (M), (N), and (O).

(A) If additional space is required to record observations, photographs, etc., please check the corresponding box in (A) and attach documentation to the MRRC-1.

(F) Requires the inspector to describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.

(G) Requires the inspector to describe limitations encountered during the inspection. These limitations may include, but are not limited to: inaccessibility to certain areas due to weather, blasting, excavating, etc.

(I) Requires checking a "Yes" or "No" box. Conditions or aspects identified in (H) requiring further evaluation should be described further.

(J) Requires checking a "Yes" or "No" box. A description of why or why not a Notice of Violation was issued for conditions or aspects identified in (H) should be provided.

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

(M) Weather Codes

CR = Clear
CL = Cloudy
SN = Snow
RN = Rain
WD = Windy

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

NP = Newly Permitted (surface mining operation not begun)
Active = Operation Not Idle (per PRC § 2727.1)
I = Idle (per PRC § 2727.1)
AB = Abandoned (per PRC §2700(h)(6))

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

9. **BLOCK IX:** Provide the Inspector's "Certificate of Completion of Inspection Workshop" Number and expiration date. Sign and date the Inspection Report. If applicable, include the inspector's certification (Professional Engineer (PE), Professional Geologist (PG), Licensed Landscape Architect, Registered Professional Forester, Professional Land Surveyor (PLS), etc.) and license number. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, or state-licensed forester, or a qualified lead agency employee pursuant to PRC § 2774(b)(1).

DISTRIBUTION INSTRUCTIONS

The Lead Agency shall forward to the Operator a copy of the Notice of Completion of Inspection (form NOCI-1), the completed Inspection Report (form MRRC-1), and any other supporting documentation (PRC § 2774(b)(2)).

The Lead Agency shall retain the original copy of the Inspection Report (form MRRC-1) and submit one copy of this Inspection Report, along with the Notice of Completion of Inspection (form NOCI-1) (PRC § 2774(b)(1)), within 90-days of conducting the inspection, to:

Department of Conservation
Division of Mine Reclamation
715 P Street, MS 19-05
Sacramento, CA 95814-3529

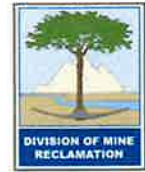
If any part of the operation or mined lands inspected is on Federal land, one copy of this Inspection Report and Notice of Completion of Inspection shall be forwarded to the appropriate Federal entity, i.e. the BLM or USFS regional office.

Attachment B

Guidance Document for Surface Mine Inspectors (DOC, 2018)



DEPARTMENT OF CONSERVATION DIVISION OF MINE RECLAMATION



Guidance Document for Surface Mine Inspectors

January 1, 2018

Introduction

The Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) § 2710 et seq., “SMARA”) was enacted into law to create and maintain an effective and comprehensive surface mining and reclamation policy in California. SMARA Lead Agencies, comprised of cities, counties, the San Francisco Bay Conservation and Development Commission, and the State Mining and Geology Board, have the principal responsibility to implement and administer SMARA within their respective jurisdictions.

SMARA Lead Agencies are required to conduct an annual inspection of every surface mining operation (SMO) subject to SMARA within its jurisdiction. Conditions observed during the annual inspection of an SMO, and documented in the surface mining inspection report by the inspector, are the basis to determine ongoing compliance with SMARA. Lead Agencies are also required to conduct an inspection when an operator seeks confirmation that they have completed reclamation in accordance with the approved reclamation plan, ultimately resulting in a closure of the SMO and a full release of financial assurances. Finally, Lead Agencies may be required to conduct inspections for more narrowly tailored purposes in addition to annual or final inspections. The Lead Agency’s determination of compliance with SMARA includes, but is not limited to, assessing the SMO’s physical and environmental conditions and general conformance relative to the approved reclamation plan and administrative compliance with SMARA.

The Department of Conservation’s Division of Mine Reclamation (DMR) is required to establish a training program for all surface mine inspectors (inspectors). A component of DMR’s Inspector Training Program (ITP) is this Guidance Document for Surface Mine Inspectors (Guidance Document). The Guidance Document is intended to provide instructions and recommendations to inspectors performing inspections pursuant to the requirements of SMARA and, in particular, PRC section 2774(b). The ITP includes inspection workshops, offered by DMR in different regions of the state, where practical application of the Guidance Document will be presented to Lead Agency inspectors. Inspections of SMOs must be conducted by an inspector who has on file with the Lead Agency and the Department of Conservation (DOC) a certificate of completion of an inspection training workshop on or after July 1, 2020.

The mine inspector, upon completion of the ITP, will possess the necessary skills to observe, document, and inform local Lead Agency decision makers of the SMO’s current condition for determination of compliance with SMARA. A completed Surface Mining Inspection Report and Notice of Completion of Inspection comprises the documentation by which operators, stakeholders, and DMR are annually informed by the Lead Agency on an SMO’s compliance with State mining laws.

DMR developed this Guidance Document in cooperation with the State Mining and Geology Board (SMGB) and local lead agencies. Input was also received from other stakeholders including: mine operators, mining associations, consultants, and public interest groups.

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Acronyms

| | |
|-------|--|
| AR | Annual Report |
| BMP | Best Management Practice |
| B&PC | Business and Professions Code |
| CCR | California Code of Regulations |
| CEQA | California Environmental Quality Act |
| DMR | Division of Mine Reclamation |
| DOC | Department of Conservation |
| FACE | Financial Assurance Cost Estimate |
| GPS | Global Positioning System |
| IR | Inspection Report |
| ITP | Inspection Training Program |
| PRC | Public Resources Code |
| SMARA | Surface Mining and Reclamation Act of 1975 |
| SMGB | State Mining and Geology Board |
| SMO | Surface Mining Operation |

1 Persons Conducting Inspections

Pursuant to PRC section 2774(b)(1), inspectors must attend DMR's Inspection Training Program and be either one of the following:

- a. A California state-licensed:
 - Geologist
 - Engineer
 - Landscape Architect
 - Forester
- b. A qualified Lead Agency employee who by determination of the Lead Agency has demonstrated competence in performing annual mine inspections.

Persons are precluded from performing an inspection of an SMO if they have been employed by that SMO in any capacity during the previous 12 months. A qualified Lead Agency employee may inspect SMO's conducted by their respective local agency. Additional requirements for mine inspectors are located in, Title 14, California Code of Regulations (CCR), section 3504.5.

1.1 Professional Practice

Any person conducting an inspection should be familiar with relevant laws and regulations that govern the professional practice of state-licensed disciplines, such as:

- Geologists and Geophysicists Act
 - Business and Professions Code (B&PC) section 7800-7887; Title 16, CCR, Division 29 sections 3000-3067
- Professional Engineers Act
 - B&PC sections 6700-6799; Title 16, CCR, Division 5 sections 400-476
- Landscape Architects Practice Act
 - B&PC section 5615-5683; Title 16, CCR, Division 26 sections 2602-2680
- Professional Forester Law
 - Public Resources Code sections 750-783; Title 14, CCR, Chapter 10, Article 1, sections 1600-1651
- Professional Land Surveyors' Act
 - B&PC sections 8700-8805; Title 16, CCR, Division 5 sections 400-476

Lead Agency determination of the SMO's compliance with SMARA and the approved reclamation plan may require evaluation by a state-licensed geologist, engineer, landscape architect, forester, or land surveyor with expertise in the condition or aspect in question. The identification of all such conditions or aspects that may require licensure is beyond the scope of this Guidance Document.

State-licensed professionals are ethically obligated to protect the health, safety, and welfare of the public and the environment and must practice within his/her area of expertise in accordance with applicable licensing acts and associated regulations. A surface mine inspector's potential unlicensed practice, or potential practice outside of their area of expertise, may be brought to the attention of the appropriate licensing board by any interested person or entity.

2 SMARA Inspection Requirements

Lead agencies are responsible for ensuring that SMOs are conducted in compliance with SMARA and that mined lands are reclaimed in accordance with each SMO's approved reclamation plan and end use. A Lead Agency must inspect each SMO subject to SMARA within its jurisdiction at least once every twelve months. Upon cessation of mining operations, mined lands shall be inspected by the Lead Agency to verify reclamation prior to the full release of financial assurances. Annual inspections are no longer required after the mined lands have been deemed reclaimed by the Lead Agency and the DMR in accordance with the approved reclamation plan, or remediated pursuant to PRC section 2773.1(b)(2)(C).

The failure of an operator to pay Lead Agency fees for the reasonable cost of an inspection does not relieve the Lead Agency of its statutory requirement to conduct an annual inspection once every 12 months.

2.1 Inspection Scheduling

Lead agencies shall cause SMOs to be inspected in intervals of no more than 12 months. The full calendar month containing the last conducted annual inspection may be considered when calculating the 12-month inspection interval. Operators are required to request an inspection date on the Annual Report Form MRRC-2 (Annual Report). The Lead Agency and the operator should attempt to coordinate mutually available dates before the operator requests the inspection date on the Annual Report. If the operator does not request an inspection date on the Annual Report, or if the Lead Agency is unable to inspect on the date requested by the operator, the Lead Agency must provide the operator with a minimum of five days' written notice of the intended date of inspection (unless a shorter time period is agreed upon by the Lead Agency and mine operator). For purposes of complying with this notification requirement, correspondence through email is considered adequate for purposes of maintaining the administrative record if both the Lead Agency and the operator agree. Factors such as weather, location of the mine, and availability of the operator should be considered by the inspector and operator when scheduling the inspection. Additionally, the Lead Agency and the operator should discuss requirements to submit an updated Financial Assurance Cost Estimate (FACE) to the Lead Agency by the operator within 30 days of conducting the inspection.

3 Inspection Goals and Objectives

The Legislature's intent in enacting SMARA was to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of SMOs so as to ensure that:

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a useable condition that is readily adaptable for alternative land uses.
2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
3. Residual hazards to the public health and safety are eliminated.

To achieve these goals and ensure continued compliance by mining operators, PRC section 2774(b)(1) requires lead agencies to cause an annual inspection of SMOs "solely to determine whether the SMO is in compliance" with SMARA. The inspection of SMOs encourages a Lead Agency to annually review the physical, environmental, and administrative conditions of SMOs and determine the SMO's compliance with SMARA. During the inspection process, the Lead Agency inspector should consider the SMO's:

1. Compliance with the approved reclamation plan, including incorporated conditions of approval and mitigation measures that relate to reclamation.
2. Compliance with minimum acceptable surface mining practices for soil erosion control, water quality and watershed control, protection of fish and wildlife habitat, disposal of mine waste rock and overburden, erosion and drainage, and resoiling and revegetation, as applicable.
3. Compliance with an order to comply, if any.
4. Reported status of the operation and reclamation.
5. Status of FACEs and/or financial capability of operator.
6. Other conditions, if any, that may preclude reclamation of mined lands in accordance with the approved reclamation plan.

No requirement or recommendation contained in this Guidance Document is a limitation on inspections for any of the following:

- The power of any state agency to enforce or administer any provision of law that it is specifically authorized or required to enforce or administer.
- The power of the Lead Agency to inspect mining operations under any other provisions of law that it is specifically authorized or required to enforce or administer.
- The police power of the Lead Agency or on the power of the Lead Agency to declare, prohibit, and abate nuisances.

4 Preparing for the Inspection

Section 4 provides recommendations to assist inspectors when preparing for a SMARA mine inspection.

4.1 The Administrative Record

A critical component of the inspection process is the annual review of the SMO's administrative record. The inspector should perform the file review prior to conducting the inspection.

The conduct of an inspection requires knowledge of the SMO's approved reclamation plan and conditions for which it was approved. Additionally, annual review of the administrative record may also apprise the inspector of other regulatory actions undertaken since the completion of the previous inspection that may affect compliance with SMARA and reclamation of the mined lands. Annual review of the SMO's administrative record may identify the need for potential amendments to the SMO's reclamation requirements.

The following documents, at a minimum, constitute the administrative record, and should be reviewed prior to conducting the inspection.

4.1.1 Approved Reclamation Plan

The inspector should be familiar with the SMO's approved reclamation plan, any amendments, and other reclamation requirements prepared as part of a permit application for the SMO that were used to satisfy the requirements of PRC sections 2772(c), 2773, and 2773.3, and Article 1 (commencing with section 3500) and Article 9 (commencing with section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the CCR. In addition, the inspector should review any approved modifications contained in permit conditions of approval or binding mitigation measures adopted or certified pursuant to the California Environmental Quality Act (CEQA) included by reference in the approved reclamation plan pursuant to PRC sections 2772(d) and 2772.1(b)(7)(B). Permit conditions solely of local concern, such as hours of operation, noise, aesthetics, and dust control are not subject to annual SMARA inspections.

4.1.2 Reference Maps

The inspector should review available remotely sensed imagery (satellite or aerial imagery) and/or topographic maps of the mine site. The inspector should be familiar with maps from the reclamation plan, specifically maps that show property/lease boundaries, reclamation boundaries, and topographic maps that show the original, existing, and permitted horizontal and vertical extent of the SMO. It is recommended that the reclamation plan boundary be overlain on an aerial image to aid in inspection, if such technology is available to the inspector.

4.1.3 Financial Assurances

FACEs are updated by the operator and approved annually by the Lead Agency. The operator is required to provide an annual FACE to the Lead Agency within 30 days of conducting the annual inspection. The financial assurance amount required of an SMO represents the estimated cost for the Lead Agency or DMR, utilizing third-party contractors, to complete reclamation of mined lands in accordance with the approved reclamation plan in the event the operator is unable to do so.

The inspector should be familiar with the most recently approved FACE and the description in the FACE of work required to complete reclamation of the mined lands.

The inspector should be knowledgeable of the Financial Assurance Guidelines prepared by the State Mining and Geology Board (SMGB).

4.1.4 Operator Annual Reports

The inspector should be familiar with the Annual Reports submitted by the operator for the previous five years. The inspector should note the status reported by the operator in Sections Five and Six of previous Annual Reports for reference during the inspection.

4.1.5 Prior Inspection Report and Notice of Completion of Inspection

The inspector should be familiar with the SMO's most recent Surface Mine Inspection Report Form MRRC-1 (Inspection Report) and Notice of Completion of Inspection. The inspector should identify any aspects noted to be inconsistent with SMARA from these documents. These aspects may require observation during the upcoming inspection. The inspector should also be familiar with the Lead Agency's statement describing its intended response to those aspects

identified as being inconsistent with SMARA from the previous Notice of Completion of Inspection.

4.1.6 Enforcement Actions

The inspector should be familiar with any enforcement actions initiated by the Lead Agency, other permitting agencies, or court actions/determinations that affect operation and/or reclamation of the SMO.

4.2 Other Recommendations

At least 24 hours prior to the on-site inspection, the inspector should confirm the date and time of the inspection with the operator. The inspector should confirm with the operator prior to the inspection that he or she has the appropriate personal protective equipment (such as bright safety vest, hard hat, steel-toed shoes, safety glasses, etc.) required for entry into the SMO. The inspector should discuss with the operator the upcoming annual review of the mine's FACE prior to conducting the annual inspection.

5 Conduct of the Inspection

Section 5 contains requirements and recommendations for inspectors conducting annual SMARA mine inspections. These requirements and recommendations also apply to the conduct of other inspections and may be modified to fit the nature and scope of the inspection. Inspectors should strive to conduct the inspection employing a standard of practice that is consistent with the current ethical principles and codes of conduct that meet or adhere to business and professions codes for engineering, land surveying, geology, landscape architecture; public resources codes for forestry; and the American Institute of American Planners (AIAP) "Code of Ethics and Professional Conduct" for planners. The inspector's observations and measurements shall be documented on the Inspection Report (MRRC-1).

5.1 Tools and Reference Materials

The inspector should consider using the following items to collect field data and record observations:

- Photographic Device (smart phone, tablet, camera, etc.)
- Notebook (electronic or paper)
- Tape measure and/or rangefinder
- Clinometer or pocket transit
- A Global Positioning System (GPS) device to record the approximate locations of observations
- Calculator

The inspector should consider bringing the following materials for reference:

- Current version of the Surface Mining and Reclamation Act, associated regulations, and this Guidance Document.
- Copy of the approved permit, reclamation plan, and other related documents.
- Copies of reclamation maps (topographic maps of original, existing, and final configurations).

- Recent aerial/satellite imagery of the SMO.
- Copy of the most recently completed Inspection Report and Notice of Completion of Inspection.
- Copy of enforcement documents, if any, since the completion of the prior annual inspection.
- Court rulings or decisions that pertain to the site's reclamation.
- Inspection Report form with section I-VII and column 2 of section VIII completed, for quick reference of required reclamation performance standards.

5.2 Upon Arrival

Prior to commencing the physical inspection of the site, the inspector should:

- Introduce all members of the inspection party.
- Discuss the goals and objectives of the inspection to the operator or the operator's representative (see section 3 of this document).
- Discuss the safety requirements with the operator or operator's representative.
- Discuss the SMO's previous years, current, and anticipated activities for the upcoming year with the operator or operator's representative.

5.3 Inspector Observations

The inspector should request access to the highest elevation and/or points of interest that provide for the best panoramic views of the SMO. From these general overview locations, the inspector should take notice of ground surfaces, slope configurations and conditions, vegetation, equipment and structures, site drainage patterns, and impact of the SMO on adjacent properties. Areas where drainage enters and exits the SMO should be inspected. The inspector should consider walking the perimeter of the SMO, as feasible.

The inspector should be familiar with the minimum acceptable surface mining practices as described in CCR section 3503 for soil erosion control, water quality and watershed control, protection of fish and wildlife habitat, disposal of mine waste rock and overburden, erosion and drainage, and resoiling and revegetation, when required.

The inspector should assess performance standards applicable to mined lands in the context of the SMO's phase of mine development. For example, revegetation of a quarry wall during active extractive activities is not necessary; however, applying a seed mix to a salvaged topsoil stockpile may be prudent and necessary to prevent wind and water erosion of the topsoil until the time of reclamation. Mined lands include the surface, subsurface, and groundwater of an area in which SMOs will be, are being, or have been conducted. Mined lands include ground surfaces that are in an undisturbed, disturbed, and reclaimed condition. The inspector should assess what performance standards in the approved reclamation plan apply to mined lands relative to the SMO's stage of development. While performing the inspection, the inspector should also consider the amount and type of work required to reclaim disturbed areas of the SMO relative to the performance standards in the approved reclamation plan.

Specific performance standards in the approved reclamation plan may not be applicable to each surface of the SMO at the time of inspection depending on the phase of the mine's

development. The inspector should be aware of the surface conditions present at the SMO in order to ensure current activity will not preclude reclamation in accordance with the approved reclamation plan. In addition to the minimum standards described by CCR section 3503, the following items, as applicable, should be observed, measured, and documented during the inspection.

5.3.1 General Operations:

Observe and document, in general terms, the type and extent of the mined lands that comprise the SMO. Specifics to consider include the type of material being extracted, a general description of the SMO (areas of extraction, processing, interim storage of ore, waste, and finished product, etc.), type and nature of processing or beneficiation occurring on site, and the type of products being produced and/or stored onsite.

5.3.2 Ground Surfaces:

Ground surface types can be classified as “undisturbed,” “disturbed,” and “reclaimed.” “Undisturbed” ground surfaces are areas where surface mining operations did not occur after January 1, 1976. “Disturbed” ground surfaces are areas where surface mining operations commenced after January 1, 1976, and have not been reclaimed. “Reclaimed” ground surfaces are in a condition consistent with the performance standards and requirements of the approved reclamation plan.

For the purposes of this Guidance Document, undisturbed, disturbed, and reclaimed ground surfaces at an SMO can be further characterized as “native,” “cut,” or “fill.” “Native” ground surfaces have not been disturbed by mining operations or the actions of humans. Ground surfaces excavated into native earth materials are considered “cut.” Ground surfaces formed by the placement of excavated earth material are considered “fill.”

The inspector should be able to reasonably classify the extent of mined lands at the SMO to aid in the Lead Agency’s determination of compliance with the approved reclamation plan.

The inspector should document areas of the SMO that have been disturbed and/or reclaimed since the prior inspection. The inspector should also note the areas where the operator plans to conduct surface mining operations during the upcoming year and the anticipated horizontal and vertical extent of those activities. Undisturbed areas within the SMO’s reclamation plan boundary should also be described by the inspector.

The inspector should, at a minimum, observe, measure, and document, as necessary:

- The approximate horizontal and vertical dimensions of the SMO.
- The estimated volumes of materials stored at the SMO.
- The estimated angles of slopes along disturbed and reclaimed surfaces at the SMO.
- Any adverse geologic or geotechnical conditions at the SMO.

Determining whether reclaimed surfaces meet the performance standards and requirements of the approved reclamation plan may require evaluation by an appropriate state-licensed professional.

5.3.3 Boundaries:

The inspector should observe and document discernable property, permit, or reclamation boundaries at the SMO. In many cases, these boundaries are not delineated or readily apparent in the field. The inspector should observe the extent of the SMO's mined lands with respect to the permitted/approved reclamation plan boundaries. The inspector should consider whether the current conditions allow for the reclamation of the mined lands consistent with the performance standards and requirements of the approved reclamation plan. The determination that undisturbed, disturbed, and reclaimed surfaces are within the boundaries of the approved reclamation plan may require evaluation by an appropriate state-licensed professional.

5.3.4 Erosion Control:

SMOs are required to meet the minimum acceptable surface mining practices described by CCR section 3503 and the requirements of the Porter-Cologne Water Quality Control Act. SMOs may be subject to additional permit conditions such as: waste discharge requirements, storm water pollution prevention, and/or onsite mining waste management as required by the State Water Resources Control Board. Additionally, Best Management Practices (BMPs) required by permit conditions of approval and/or federal plan of operations may have separate requirements that apply at the time of reclamation.

The inspector must therefore review the approved reclamation plan and any other applicable permit documents to determine which requirements specifically relate to reclamation and the reclamation plan. For instance, if the site has varying requirements for erosion control on disturbed or reclaimed surfaces, the inspector will need to inspect those conditions to ensure they meet those specific requirements. The inspector should observe and document the condition of any sediment and erosion control structures or BMPs employed on the mined lands and determine if they are achieving their design function.

While notice of potential violations for erosion control may be initiated under SMARA, the resolution of potential violations should include the appropriate State or Federal entities, such as the California State and Regional Water Quality Control Boards, California Department of Fish and Wildlife, the United States Fish and Wildlife Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the United States Forest Service, and the Bureau of Land Management.

5.3.5 Stream and Wetland Protection/Water Quality and Watershed Control:

Pursuant to CCR section 3503, SMOs are required to prevent potential sedimentation of streams and substantially prevent siltation of groundwater recharge areas. The inspector should observe and document any efforts being employed by the operator to prevent potential sedimentation of streams and substantially prevent siltation of groundwater recharge areas as required by the approved reclamation plan and/or CEQA mitigation measure. The determination that mined lands meet the performance standards and requirements of the

approved reclamation plan may require evaluation by an appropriately qualified specialist or state-licensed professional.

While notice of potential violations for stream and wetland protection and water quality and watershed control may be initiated under SMARA, the resolution of potential violations should include the appropriate State or Federal entities, such as the California State and Regional Water Quality Control Boards, California Department of Fish and Wildlife, the United States Fish and Wildlife Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the United States Forest Service, and the Bureau of Land Management.

5.3.6 Fish and Wildlife Habitat:

Pursuant to CCR section 3503, SMOs are required to employ reasonable measures to protect fish and wildlife habitat. SMOs within areas of sensitive fish and wildlife habitat are often required by CEQA mitigation measures, permit, or reclamation plan measures to protect sensitive fish and wildlife habitat. The inspector should observe and document any efforts employed by the operator to protect sensitive fish and wildlife habitat as required by the approved reclamation plan and/or CEQA mitigation measure. The determination that operational and/or reclaimed surfaces meet the performance standards and requirements of the approved reclamation plan may require evaluation by an appropriately qualified specialist.

While notice of potential violations for fish and wildlife habitat may be initiated under SMARA, the resolution of potential violations should include the appropriate State or Federal entities, such as the California State and Regional Water Quality Control Boards, California Department of Fish and Wildlife, the United States Fish and Wildlife Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the United States Forest Service, and the Bureau of Land Management.

5.3.7 Soil/Overburden Stockpile Management:

The inspector should identify and note locations of any salvaged topsoil, overburden, mine waste, and/or tailings piles present on the SMO. It may be necessary for the inspector to obtain measurements of stockpiles to calculate approximate volumes and determine costs associated with the final disposition of materials from the mined lands. The inspector should note the Best Management Practices (BMPs) being employed by the operator to minimize water and wind erosion for any stockpiles located at the mine. The inspector should be aware of other agency permit requirements incorporated into the reclamation plan that relate to soil and overburden stockpile management and their effect on reclaiming mined lands pursuant to the approved reclamation plan.

5.3.8 Revegetation:

The type and extent of revegetation required on mined lands is dependent on the approved end use. In some cases, such as mined lands that are planned with an industrial end use, revegetation may not be required in the reclamation plan. Alternatively, mined lands with an end use of open space or grazing may require an extensive revegetation with measureable performance standards for cover, density, and species richness. Revegetation of mined lands may be temporary, for erosion control purposes, or completed pursuant to the approved

reclamation plan and end use of the site. The type of revegetation required on the mined lands at any phase of the SMO is dependent on the type and condition of ground surfaces.

The inspector should be aware of any revegetation requirements contained in the reclamation plan and discuss the progress of revegetation with the mine operator during the inspection. The inspector should identify and document any efforts being undertaken by the mine operator to revegetate mined lands, whether for erosion control or reclamation purposes. This may include the following as applicable:

- The location of test plots, nurseries, and any ongoing or completed revegetation efforts, if required by the approved reclamation plan.
- The presence of structures designed to protect vegetation, if required by the approved reclamation plan.
- The presence and location of any noxious weeds and the effectiveness of the BMPs undertaken by the operator to control them as required by the approved reclamation plan.
- The volume and location of top soil/growth media stockpiles to determine the adequacy of cost estimates and compliance with the approved reclamation plan.

The determination that reclaimed surfaces, which require revegetation, meet the performance standards of the approved reclamation plan may necessitate evaluation by an appropriately state-licensed professional or an appropriately qualified specialist.

5.3.9 Structures:

The inspector should observe and note the presence and location of any surface and subsurface structures at the SMO. The inspector should be familiar with the requirements of the approved reclamation plan with respect to the final disposition of any structures and associated foundations present on site.

5.3.10 Equipment and Storage Yards:

The inspector should observe and note the presence and location of any mining equipment or storage areas at the SMO. The inspector should note whether the equipment is permanently affixed or is mobile and easily removed. The inspector should be familiar with the requirements of the approved reclamation plan with respect to the final disposition of any equipment, scrap, or debris.

5.3.11 Surface Openings:

The inspector should observe and note the presence and location of any surface openings that may include drill holes, water wells, monitoring wells, portals, shafts, tunnels, or other underground workings. The inspector should be familiar with the requirements of the approved reclamation plan with respect to the final disposition of any surface openings.

5.3.12 Other Reclamation Plan Requirements:

The inspector should observe and describe the status of any other reclamation plan requirements that are not included in the list above. Such requirements may include specific

permit conditions and/or mitigation measures within environmental documents that affect reclamation of the SMO.

5.3.13 Enforcement Actions, Court Rulings, or Decisions:

The inspector should observe and note the progress toward resolution of any enforcement actions initiated by the Lead Agency, other permitting agencies, or court actions that affect reclamation of the SMO.

5.3.14 Fee Status:

The operator's claimed operating status (active, idle, in reclamation, or closed with no intent to resume, etc.) should be compared with the Lead Agency's previous determination of status with regard to on-the-ground activities and site conditions observed during the inspection. The phasing of reclamation on mined lands and evaluation of the claimed fee status with respect to the monitoring requirements outlined in the reclamation plan should be evaluated during the inspection.

5.4 Inspection Considerations for Completion of Reclamation and Release of Financial Assurances

Inspections conducted to determine if the operator has completed all reclamation requirements contained in the approved reclamation plan may result in the full release of financial assurances and the "closure" of the surface mining operation. Closure constitutes the intent of the operator to cease operations, that mined lands have been reclaimed in accordance with SMARA, and that financial assurances are no longer required under SMARA. Confirmation of completion of reclamation and release of financial assurances requires the concurrence of DMR, which may conduct its own inspection. When conducting a closure inspection, the inspector shall consider whether the physical condition of the mine site is reclaimed in accordance with the performance standards of the approved reclamation plan and/or achievement of approved end use prior to release of financial assurances. In cases where the reclamation plan lacks specific performance standards, the reclaimed condition of the mined lands shall be consistent with the end use identified in the approved reclamation plan prior to the release of financial assurances.

At the time of closure, the determination that site conditions meet the performance standards and/or end use may require evaluation by a state-licensed professional or specialist, if that aspect is outside of the expertise of the inspector.

5.5 Discussion of Observations

The inspector should discuss observations made during the inspection with the operator prior to leaving the site. Discussion topics should include observed conditions and their relation to compliance with the performance standards of the approved reclamation plan and SMARA. If any aspect of the SMO does not appear to be consistent with the reclamation plan or SMARA, or appear to preclude reclamation of the mined lands consistent with the end use, the inspector should discuss with the operator and determine what future actions may be required to attain compliance. If a violation is observed, the inspector should discuss with the operator potential

resolution of the issue. The inspector should also discuss with the operator anticipated timelines for resolution of any aspect inconsistent with SMARA, if necessary.

If violations were documented during the previous year's inspection, the inspector should discuss with the operator the progress of resolution or compliance with previously issued enforcement actions.

6 Administrative Requirements Following the Inspection

The Inspection Report must be completed pursuant to the instructions included on the form and signed by the inspector. Photographs, reports, or documents prepared by others in support of the annual inspection should also be attached to the Inspection Report.

The Notice of Completion of Inspection must be completed by the Lead Agency and shall contain a statement regarding the SMO's compliance with SMARA and shall specify all of the following:

1. Aspects of the SMO, if any, that were found to be inconsistent with SMARA but were corrected before the submission of the inspection form to DMR.
2. Aspects of the SMO, if any, that were found to be inconsistent with SMARA but were *not* corrected before the submission of the inspection form to DMR.
3. A statement describing the Lead Agency's intended response to any aspects of the SMO found inconsistent with SMARA, if any, but were not corrected before the submission of the inspection form to DMR.

Pursuant to PRC section 2774(b), the Inspection Report and the Notice of Completion of Inspection must be submitted by the Lead Agency to DMR within 90 days of conducting the inspection. The Lead Agency must also forward a copy of the Inspection Report and Notice of Completion of Inspection to the mine operator. If any part of an SMO is located on federally managed lands, DMR also recommends that the Lead Agency send a copy of the Inspection Report to the appropriate federal entity. The Lead Agency must retain the original copy of the Inspection Report in accordance with CCR section 3504(a).

The DMR provides a template of the Notice of Completion of Inspection for use by Lead Agencies that meet the content required in PRC section 2774(b)(1). Lead Agency use of the template is not required. As a courtesy, the template is available at DMR's webpage for those interested Lead Agencies.

6.1 Considerations for Lead Agency Review of the Updated FACE

The statutory scheme described in PRC sections 2773.4 and 2774 also requires the operator to provide a FACE to the Lead Agency within 30 days of the inspection. The inspector's observations of the SMO should be used by the Lead Agency when reviewing the updated FACE. Any areas of the SMO that were reclaimed during the prior year and those areas intended to be disturbed during the upcoming year should be considered by the Lead Agency when reviewing of the updated FACE. The FACE must be completed by the operator or lead agency using the FACE-1 form, which can be downloaded from DMR's webpage.

7 SMARA Inspector Training Program

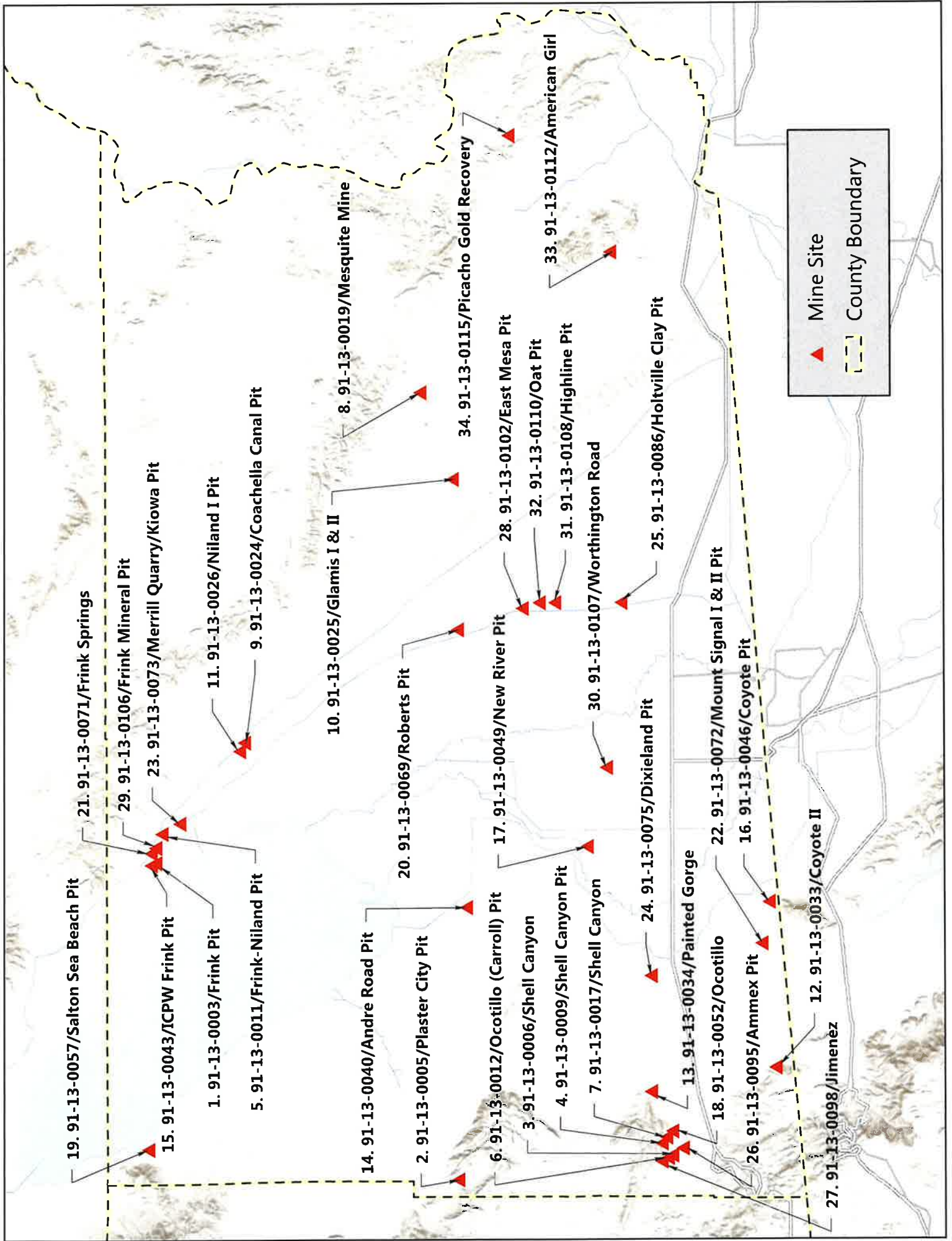
In accordance with PRC section 2774(e), DMR's ITP is designed to provide instruction and recommendations to surface mine inspectors to determine compliance with SMARA. The ITP consists of DMR-administered inspection training workshops that are offered in different regions of the state to provide prospective surface mine inspectors with practical application of this Guidance Document. PRC section 2774(e)(3) requires all surface mine inspectors to have a certificate of completion of an inspection training workshop on file with the Lead Agency and DMR no later than July 1, 2020. Surface mine inspectors must renew their certificate of completion every five years. Information on how to register for upcoming inspection workshops can be found at DMR's webpage.

Attachment C

List of Current Active Mining Sites and Operators

| Mine ID/Site Name | | Operator |
|--------------------------|---------------------------------------|--|
| 1. | 91-13-0003 / Frink Pit | Superior Ready Mix |
| 2. | 91-13-0005 / Plaster City Pit | US Gypsum |
| 3. | 91-13-0006 / Shell Canyon | Pyramid Construction |
| 4. | 91-13-0009 / Shell Canyon Pit | Vulcan Materials |
| 5. | 91-13-0011 / Frink-Niland Pit | Granite Construction |
| 6. | 91-13-0012 / Ocotillo (Carroll) Pit | Imperial Valley Aggregates |
| 7. | 91-13-0017 / Shell Canyon | Imperial Valley Aggregates |
| 8. | 91-13-0019 / Mesquite Mine | Western Mesquite |
| 9. | 91-13-0024 / Coachella Canal Pit | Imperial County Public Works |
| 10. | 91-13-0025 / Glamis I&II | Imperial County Public Works |
| 11. | 91-13-0026 / Niland I Pit | Imperial County Public Works |
| 12. | 91-13-0033 / Coyote II | Imperial County Public Works |
| 13. | 91-13-0034 / Painted Gorge | Imperial County Public Works |
| 14. | 91-13-0040 / Andre Road Pit | Imperial County Public Works |
| 15. | 91-13-0043 / ICPW Frink Pit | Imperial County Public Works |
| 16. | 91-13-0046 / Coyote Pit | CalTrans |
| 17. | 91-13-0049 / New River Pit | Vulcan Materials |
| 18. | 91-13-0052 / Ocotillo | CalTrans |
| 19. | 91-13-0057 / Salton Sea Beach Pit | API |
| 20. | 91-13-0069 / Roberts Pit | Superior Ready Mix |
| 21. | 91-13-0071 / Frink Springs | Cal-Grade |
| 22. | 91-13-0072 / Mount Signal I & II Pit | Imperial Valley Aggregates |
| 23. | 91-13-0073 / Merrill Quarry/Kiowa Pit | DNS Aggregates LLC/ Coffman Specialties Inc. |
| 24. | 91-13-0075 / Dixieland Pit | Vulcan Materials |
| 25. | 91-13-0086 / Holtville Clay Pit | Imperial County Public Works |
| 26. | 91-13-0095 / Ammex Pit | Pyramid Construction |
| 27. | 91-13-0098 / Jimenez | Imperial Valley Aggregates |
| 28. | 91-13-0102 / East Mesa Pit | Vulcan Materials |
| 29. | 91-13-0106 / Frink Mineral Pit | Cal-Grade |
| 30. | 91-13-0107 / Worthington Road | Aggregates Products |
| 31. | 91-13-0108 / Highline Pit | Imperial Valley Aggregates |
| 32. | 91-13-0110 / Oat Pit | Superior Ready Mix |
| 33. | 91-13-0112 / American Girl | Pyramid Construction |
| 34. | 91-13-0115 / Picacho Gold Recovery | G2 Bio LLC |

Attachment D
Map of Existing Mine Operations



Attachment E
Response Outline

ATTACHMENT E

NAME (Person) Making Proposal: _____

NAME (Person) Responsible for Inspections: _____

NAME (Firm) if not as above: _____

SMARA Experience:

(A) Seminars Attended: _____

(B) Actual Inspections Performed: _____

(C) Annual Financial Review Done: _____

(D) Permits Processed if any: _____

(E) Years of Experience with SMARA: _____

(F) Licenses: _____

(G) SMARA Workshops Attended: _____

(H) Other: _____

Conflicts if any (i.e. work done for owners or operators):

Type of work being done by person/firm (purpose is to determine potential conflicts):

Cost Proposal:

| | (Physical Site Inspection & Reporting) | (Financial Assurance Review) | (CUP Review) |
|--------------|---|---------------------------------|--------------|
| Level 1 Site | | | |
| Level 2 Site | | | |
| Level 3 Site | | | |

(Use additional pages as needed)