LAND USE SERVICES DEPARTMENT
Planning Division

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www.sbcounty.gov/uploads/LUS/Planning/Applications/MiningTransferOwnership.pdf

TRANSFER OF OWNERSHIP FOR MINING RECLAMATION PLAN AND/OR CONDITIONAL USE PERMIT INFORMATION SHEET AND APPLICATION

This application and materials are required to be submitted to the County to document the transfer of ownership OR name change of any mining operation. After review of all the information submitted is complete, the applicant will be notified that the County requirements related to the transfer of ownership or CUP name change is complete.

Fee: Submit a check or money order made out to San Bernardino in the amount of **$917.00**.(L632/L697)
(This includes a $25 Job Closure fee, which is not applicable when application submitted electronically through the ePlans system.)

Planning Review Fee (L630)	$892.00
Records Media Conversion for Job Closure Fee (L697)	25.00
TOTAL	**$917.00**

Application: Submit two completed copies of the Application Questionnaire.

Additional Materials to be submitted:

1. Signed and notarized original of the Statement of Responsibility for all owners of the property.
2. Signed Statement of Responsibility.
3. Signed and notarized original of the Replacement Financial Assurance Instrument (http://cms.sbcounty.gov/lus/Mining/MiningFinancialAssurances.aspx)
4. **One copy** of the recorded Grant Deed for each lot, parcel, patented or unpatented claim. A notarized copy of any lease, if the property is leased.
5. If this is a CUP Reclamation Plan name change only, please submit a copy of the recorded DBA identifying previous name and new name.

LAND USE SERVICES DEPARTMENT
APPLICATION QUESTIONNAIRE FOR
TRANSFER OF OWNERSHIP
FOR MINING RECLAMATION PLAN AND/OR
CONDITIONAL USE PERMIT

CA Mine ID: _____ Date: _____

1. Mine Name: _____

2. Conditional Use Permit/Reclamation Plan Permit Number: _____

3. Previous Owner: _____

   Mailing address: _____
   Street/P.O. Box

   _____
   City State Zip Telephone (8 A.M.-5 P.M.)

4. New Owner: _____

   Mailing address: _____
   Street/P.O. Box

   _____
   City State Zip Telephone (8 A.M.-5 P.M.)

5. Operator: _____

   Mailing address: _____
   Street/P.O. Box

   _____
   City State Zip Telephone (8 A.M.-5 P.M.

6. Assessor Parcel No(s): _____

7. Total acres: _____ Total Holdings: _____

8. Project or mine legal location description: _____

Note: If more than one person is involved in the ownership of the property, a separate page must be attached to this application which lists the names and addresses of all persons having interest in the ownership **and of mineral rights.**

To be completed by County Staff: Filing Date: _____ Project No.:_____

APPLICANT'S CERTIFICATION OF FILING (Legal owner of the property must sign):

I certify under penalty of perjury that I am the owner of record, or as noted below and the owner of record has knowledge of and consents to the proposed surface mining permit application for this property. I further certify that the information contained herein is true and correct to the best of my knowledge.

- ☐ Owner of Possessory Interest or Mineral Rights.
- ☐ Legal Owner(s) (all individual owners must sign as their names appear on the deed to the land).
- ☐ Corporate Officer(s) empowered to sign for the corporation.
- ☐ Owner's Legal Agent having Power of Attorney for this action (a certified Power of Attorney document must accompany the application form)

Dated _____, 20

_____
Signature

_____
Print Name

_____
Company

FOR OFFICIAL USE ONLY

General location of property:

Location from nearest section corner:

_____

Describe proposed use of property or reasons for this action:

_____

Land Use District _____ Land Use Map _____

City Sphere:_____ Filing date _____

A.L.U.C. _____
Airport land use overlay

STATEMENT OF RESPONSIBILITY (SOR)

Reference SMARA 2772.C.10

In consideration of approval by the lead agency of this application for a Surface Mining Permit and/or Reclamation Plan, the undersigned, jointly and severally, hereby covenant with the lead agency and the Department of Conservation as follows:

MINE NAME: _____ **CALIFORNIA MINE ID #:** _____

LEAD AGENCY: _____ **CONDITIONAL USE PERMIT #:** _____

I hereby acknowledge that all of the provisions of said permit and reclamation plan, and any and all conditions appended thereto shall be faithfully performed and completed by the undersigned within the time therein provided, or within any additional time as may be allowed pursuant to the Surface Mining Ordinance Code of the lead agency and with the applicable requirements of Articles 1 and 9 (commencing with section 3500 et seq., respectively) of chapter 8, division 2, title 14, of the California Code of Regulations, the Surface Mining and Reclamation Act of 1975 (SMARA), as amended (section 2710 et seq. of the Public Resources Code) which are incorporated herein by reference.

That the obligations of the undersigned to perform and complete the provisions of said permit and/or plan, including any and all conditions appended thereto, shall be subject to the provisions of said Ordinance Code and SMARA and the State Mining and Geology Board's implementing regulations and guidelines.

That the place of performance by the undersigned of the covenants herein, shall be the area managed by the lead agency in the State of California.

That, pursuant to Public Resources Code section 2774.1 (a) notice procedures, any notice required to be given, or otherwise given to the undersigned may be by personal service or by certified mail.

Owner of Operation Business Structure: (check one)	☐ Corporation ☐ Limited Liability Corporation ☐ General Partnership	☐ Limited Partnership ☐ Individual

Check one:

☐ **I have** posted an adequate financial assurance mechanism pursuant to Public Resources Code section 2773.1 that is equal to or greater than the lead agency approved financial assurance cost estimate. **Date Posted:**_____

Mechanism Type (check one)

☐ Surety Bond ☐ Certificate of Deposit ☐ Letter of Credit ☐ Other:_____

Or

☐ **I will** post an adequate financial assurance mechanism, pursuant to Public Resources Code section 2773.1 that is equal to or greater than the lead agency approved financial assurance cost estimate.

Mechanism Type (check one)

☐ Surety Bond ☐ Certificate of Deposit ☐ Letter of Credit ☐ Other:_____

Dated this _____ **day of** _____, **20**_____

_____
Printed Name of Owner of Operation

_____
Signature of Owner of Operation
(to be acknowledged by a Notary Public)

FOR DEPARTMENT USE ONLY
(completed by staff after approval of project)

SMARA Database Entry Date Analyst Initials

STATEMENT OF RESPONSIBILITY (SOR)

INSTRUCTIONS FOR AN EXISTING MINING OPERATION

Surface mining operations are subject to the requirements of the Surface Mining and Reclamation Act (Public Resources Code 2710 et seq., California Code of Regulations, title 14, section 3500 et seq.) and applicable administrative regulations as well as lead agency (LA) ordinance requirements. When a new mine site operator is going to assume legal and operational responsibility for an existing mining operation in California, it is required to file a Statement of Responsibility (SOR). (Reference PRC section 2772(c)(10)). This statement formally notifies the LA and the State Department of Conservation (Department) that a new individual and/or company is assuming all permitted responsibility for operating the mining site in compliance with the LA-approved Surface Mining Permit and Reclamation Plan, local ordinances, the Surface Mining and Reclamation Act of 1975 (SMARA), associated regulations, and guidelines. If the mining operation will be assumed by someone other than the legal landowner of the property, written authorization from the property owner(s) of record is also required.

The attached forms include places to provide the LA and the Department with the pertinent contact information for the new mine site operator and other information related to the mine site. The SOR form should be signed and acknowledged by a Certified Public Notary and returned, together with the other requested information, to the LA. Once a determination is made by LA staff that the forms have been properly filled out and executed, the LA will notify the Department of the change, and copy the new mine site operator.

Before filing a SOR to assume legal and operational responsibility for a mining operation, the new mine site operator should secure a copy of the approved surface mining permit and reclamation plan from the current or previous property owner and become thoroughly familiar with the requirements that the LA has imposed with respect to the affected mine site.

Additionally, the new mine site operator should request the property owner provide a copy of the latest Surface Mining Inspection Report (MRRC-1) prepared by the LA's Mining Inspector and a copy of the latest State Mining Operation Annual Report (MRRC-2) filed with the Department and the LA.

Once the new mine site operator has received written confirmation that this filing has been satisfactorily completed, a new financial assurance mechanism must be submitted to the lead agency and reviewed by the Department before existing financial assurance instruments of the previous mine operator can be released by the LA and the Department. (Reference: CCR section 3805.5)

In order to ensure that the required forms have been properly executed, please include the following appropriate documentation with your submittal:

1) If the mining operation has been acquired through a change in ownership, the signatures of all the legal owners of record for that property must be included on the SOR.

2) If the new or current property owners will be allowing mining operations to be assumed by a third party, a separate letter of authorization to assume this mining operation, signed by each new owner of record, shall be submitted.

3) If the person filing the SOR is acting on behalf of a corporation, a resolution from the corporation's board of directors should be submitted which provides authority for this filing and which indicates who has the ability to execute the statement on behalf of the corporation. A minimum of two (2) signatures are required.

4) If the person filing the SOR is acting on behalf of a Limited Liability Company, a copy of the company's Articles of Organization must be submitted which clearly indicate who has authority to execute the statement on behalf of the company.

5) If the person filing the SOR is acting on behalf of a General Partnership, verification is required to ensure that the signatory is a current partner.

6) If the person filing the SOR is acting on behalf of a Limited Partnership, a copy of the partnership agreement must be submitted which indicates who is designated as a general partner within the partnership. Only a general partner may sign the SOR on behalf of the partnership.

NOTIFICATION OF ASSUMPTION OF LEGAL AND OPERATIONAL AUTHORITY

FOR AN EXISTING OR NEW SURFACE MINE

MINE NAME:_____ **CALIFORNIA MINE ID #:** 91-36-_____

EFFECTIVE ASSUMPTION DATE: _____

NEW OWNER OF OPERATION

1. NAME: _____
   MAILING ADDRESS: _____
   CITY/STATE/ZIP: _____
   BUSINESS PHONE: _____ FAX: _____
   CELL PHONE: _____ EMAIL: _____

LANDOWNER

☐ Same as #1

2. NAME: _____
   MAILING ADDRESS: _____
   CITY/STATE/ZIP: _____
   BUSINESS PHONE: _____ FAX: _____
   CELL PHONE: _____ EMAIL: _____

☐ Same as #1

3. NAME: _____ EMAIL: _____
   BUSINESS PHONE: _____ CELL PHONE: _____

DESIGNATED AGENT

☐ Same as #1

4. NAME: _____
   MAILING ADDRESS: _____
   CITY/STATE/ZIP: _____
   BUSINESS PHONE: _____ FAX: _____
   CELL PHONE: _____ EMAIL: _____

PERSON AUTHORIZED BY OPERATION OWNER TO SIGN MINING OPERATION ANNUAL REPORTS (MRRC-2)

☐ Same as #1

5. NAME: _____
   MAILING ADDRESS: _____
   CITY/STATE/ZIP: _____
   BUSINESS PHONE: _____ FAX: _____
   CELL PHONE: _____ EMAIL: _____

I, the undersigned new owner of the above mining operation, do hereby submit to _____ and the Department of Conservation, the above information as true and accurate. **(Lead Agency)**

_____ _____

SIGNATURE OF OWNER OF OPERATION **DATE**

FINANCIALLY RESPONSIBLE PARTY INFORMATION

Please print your responses.

The Financially Responsible Party is the individual or legal entity that will sign the Financially Responsible Party Agreement (immediately following), which agreement establishes the entity that: is responsible for all permit processing costs associated with the project application, will receive project accounting during the application processing, is responsible for paying for consultants necessary to complete the processing of the project application is deemed the owner of funds held in the project trust fund, and indemnifies the County for legal challenges to project approval.

Have you ever had a Trust Account with San Bernardino County Land Use Services? ☐Yes ☐No

If yes, what name was used? _____

Financially Responsible Party Name: _____

The Financially Responsible Party is a (choose one): ☐Company/Organization ☐ Individual

If Company/Organization, type, i.e. corporation, LLC, partnership: _____

Are you registered with the California Secretary of State? ☐Yes ☐No

If yes, what is your entity number? _____

If Company/Organization, Contact Name: _____

Mailing Address: _____

_____

City State Zip

Home/Business Phone: _____ Cell Phone: _____

Email: _____

What is your preferred method for receiving invoices: ☐Email ☐U.S. Mail

If you are not the Financially Responsible Party, do you have notarized authorization to encumber the Financially Responsible party? ☐Yes ☐No (Please attach a copy of the authorization.)

---------- **For Office Use Only** ----------

Project Number: _____ Type of Application: _____

Received By: _____ Date: _____

Entered By: _____ Date: _____