

# **INSTRUCTION SHEET ASSUMING EXISTING MINING OPERATION**

## **Kern County Planning Department**

Surface mining operations are subject to the requirements of the Surface Mining and Reclamation Act and applicable administrative regulations, as well as Chapter 19.100 of the Kern County Ordinance Code (Zoning Ordinance). When a new mining operator is going to assume legal and operational responsibility for an existing mining operation in Kern County, it is necessary to file a "Statement of Responsibility" formally notifying the County that a new individual and/or company is assuming all permitting responsibility for operating the mining site in compliance with the County-approved Surface Mining Permit and/or Reclamation Plan and with the requirements of the State Department of Conservation. If the mining operation will be assumed by someone other than the legal surface owner of the property, written authorization from the owner(s) of record is also required.

The attached forms include places to provide Kern County with the pertinent contact information for the new mine site operator and other information related to the mine site. The Statement of Responsibility form should be signed and notarized by a California Certified Public Notary and returned, together with the other requested information, and submitted to the Kern County Planning Department with the required processing fee. Once a determination has been made by Staff that the forms have been properly filled out and executed, the Planning Department will notify the State Department of Conservation and the County Mining Inspector of the change. The new mining operator will be notified of any comments by the State or the County Mining Inspector within approximately 45 days from the date the filing is accepted as complete.

Before filing a Statement of Responsibility to assume legal and operational responsibility for a mining operation, the new mine operator should secure a copy of the approved surface mining permit and/or reclamation plan from the current or previous property owner and become thoroughly familiar with the requirements that the County has imposed with respect to the affected mine site. Additionally, the new mine operator should request the property owner to provide a copy of the latest Mining Inspection Report prepared by the County's Mining Inspector and a copy of the latest State Mining Operation Annual Report filed with the State Department of Conservation related to the affected mine site.

Once the new mining operator has received written confirmation that the required filing has been satisfactorily completed, a new financial assurance instrument will need to be submitted to the Kern County Engineering and Survey Services Department and reviewed by the State Department of Conservation before existing financial assurance instruments can be released by that department.

In order to ensure that the required forms have been properly executed, please be sure that the following information is included with your submittal:

- (1) If the mining operation has been acquired through a change in ownership of the surface property, the signatures of all the legal owners of record for that property must be included either on the Statement of Responsibility or, 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 mining operation signed by each new owner of record shall be submitted.
- (2) If the person filing the Statement of Responsibility 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) signatories are required.
- (3) If the person filing the Statement of Responsibility 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.
- (4) If the person filing the Statement of Responsibility is acting on behalf of a General Partnership, verification is required to ensure that the signatory is a current partner.
- (5) If the person filing the Statement of Responsibility 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 Statement of Responsibility on behalf of the partnership.

**NOTIFICATION OF ASSUMING LEGAL AND OPERATIONAL  
AUTHORITY FOR AN EXISTING SURFACE MINE**

**KERN COUNTY PLANNING DEPARTMENT**

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**1. NAME OF NEW OPERATOR:**

\_\_\_\_\_

MAILING ADDRESS:

\_\_\_\_\_

Email Address: \_\_\_\_\_

TELEPHONE NUMBERS:

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

Fax: \_\_\_\_\_

Pager: \_\_\_\_\_

**2. NAME OF SURFACE OWNER (if different than above):**

\_\_\_\_\_

\_\_\_\_\_

MAILING ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBERS:

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

Other: \_\_\_\_\_

**3. NAME OF ON-SITE CONTACT (if different than No. 1):**

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER:

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

**4. EFFECTIVE DATE TO ASSUME MINE SITE RESPONSIBILITY:**



**MINE SITE INFORMATION**

State Mine ID # \_\_\_\_\_

Conditional Use Permit # \_\_\_\_\_



**For Office Use Only**

Date Submitted: \_\_\_\_\_

Receipt #: \_\_\_\_\_

By: \_\_\_\_\_

Planner Assigned: \_\_\_\_\_

# STATEMENT OF RESPONSIBILITY

California Mine ID No. 91-15 \_\_\_\_\_

In consideration of approval by the Planning Commission of the County of Kern of this application for a Surface Mining Permit and/or Reclamation Plan, the undersigned, jointly and severally, hereby covenants with Kern County as follows:

- (1) That all of the provisions of said permit and/or 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 Ordinance Code of Kern County (Chapter 19.100).
- (2) 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 which are incorporated herein by reference.
- (3) That the place of performance by the undersigned of the covenants herein shall be the County of Kern, State of California.
- (4) That any notice required to be given, or otherwise given to the undersigned may be by personal service or by ordinary United States mail, postage prepaid, and addressed to the agent, or any of the agents, named in paragraph 7 of the application filed by the undersigned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature - to be signed in presence of Notary Public)

\_\_\_\_\_  
(Printed Name)

*(Reference SMARA 2772.C.10)*

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## For Office Use Only

(To be completed by Staff after approval of project)

CUP No. \_\_\_\_\_, Map No. \_\_\_\_\_