

FREQUENTLY ASKED QUESTIONS

Regarding the Office of Mine Reclamation's (OMR) Lead Agency Review and Assistance (LARA) Program

Based on questions and comments received at four public workshops held in Redding, San Luis Obispo, Santa Ana, and Sacramento during December 2015, January 2016, and March 2016

A. OMR Work Process

Q: Who is the point of contact for LARA review?

A: The point of contact for LARA review is the Senior Geologist program manager.

Q: Can OMR provide a checklist of missing mine file documents prior to the onset of lead agency review?

A: To facilitate data sharing, OMR will create a File Transfer Protocol (FTP) site where it will post copies of the operative documents, documents that are required by statute, from its mine files for lead agencies to view. These documents include; annual reports, a permit to mine (unless vested), lead agency-approved reclamation plan, financial assurance cost estimate and financial assurances, and annual inspection reports and inspection notice. During Phase 2, the file synchronization phase, OMR will post the SMARA operative documents that it has in its mine files to the FTP file directory so that each lead agency can see what documents are in our files. If there are documents missing from OMR's mine file, lead agencies will have an opportunity to add and exchange any missing documents through a Box.com account, at DMR-Submittals@conservation.ca.gov. Lead agencies may always exchange documents with OMR via email or other media.

Q. Can we see how OMR is organizing its files?

A: OMR will set-up a file structure on its FTP web site similar to how its paper mine files are organized. To see the FTP site go to; <ftp://ftp.consrv.ca.gov/pub/omr/>

B. Lead Agency Expectations for this Program

Q: How can lead agencies submit documents and share information with OMR?

A: Information can be shared electronically via email, Box.com, or compact disc. We prefer electronic document submittal, but you may still use the U.S. Postal Service. Please submit each document by only one method. Do not duplicate submittals as it delays the process.

Q: How are you going to select the mines (for inspection)?

A: Selection of mines for inspection is based on the number of and the nature or type of mining operations in the lead agency jurisdiction.

Q: Will State Mining and Geology Board counties be reviewed?

A: OMR anticipates reviewing the State Mining and Geology Board's administration of SMARA as a lead agency in the same way as all other lead agencies.

C. OMR Organization

Q: Will the OMR staff normally assigned to Counties be part of the LARA team review?

A: Yes, the LARA team assigned to your lead agency will be, in part, the OMR Engineering Geologist and Reporting Analyst normally assigned to your lead agency.

Q: Can OMR provide lead agencies with an organizational chart?

A: The OMR organizational chart is available on the Department of Conservation's World Wide Web site at, <http://www.conservation.ca.gov/OMR/Documents/OMR%20ORG%20CHART%203-1-16.pdf>.

D. Lead Agency SMARA Responsibilities

Q: Will violations be noted during field inspections?

A: OMR expects that lead agencies, who have primary responsibility for the enforcement of SMARA, will note violations, if applicable, during their regular mine inspection.

Q: What happens when a violation is found during this program review?

A: OMR expects that lead agencies, who have the primary responsibility for the enforcement of SMARA, will take appropriate enforcement actions on potential violations. Additionally, appropriate enforcement action should be initiated for noted or observed deficiencies identified during the review process. OMR does not expect that all violations will be resolved during the review, but that the appropriate enforcement will result in compliance in a reasonable amount of time.

Q: How is OMR going to address violations?

A: OMR does not expect that violations will be resolved during the LARA process, but that appropriate enforcement will be taken by the lead agency. OMR is aware that achieving compliance with SMARA can take time and may involve public meetings and hearings. Should a lead agency not pursue appropriate enforcement actions to obtain compliance with SMARA, OMR may initiate enforcement as deemed necessary.

Q: Are previously reviewed lead agencies included with the current LARA review?

A: Lead agencies previously reviewed under the LART program are exempt from the first round of reviews under the new LARA program, until review of all lead agencies are completed. Then the entire review process repeats every six years.

Q: How will the lead agency review order be determined?

A: The lead agency review order for the LARA process is derived from examination of OMR's mine files for each of three documents for all its unreclaimed mines during the year 2015. The documents included are:

1. the surface mining inspection report (form MRRC-1)
2. the financial assurance cost estimate
3. the financial assurance mechanism

The review order number is an expression of the percentage of the total possible number of documents OMR has, for each unreclaimed mine. The review order number is ranked from lowest to highest, with the LARA process commencing with the lead agency having the lowest review order number.

$$\text{Review Order Numbers} = \left(\frac{\# \text{ of possible documents} - \# \text{ of missing documents}}{\# \text{ of possible documents}} \right) 100$$

Lead agencies previously reviewed under the old LART program are exempt from the first round of reviews under the new LARA program, until all lead agency reviews are completed. Then the cycle will begin anew after about six years.

E. Suggestions for the LARA program

Q: Will the LARA report provide suggestions/recommendations for where the lead agency can improve?

A: Throughout the Lead Agency Review and Assistance process, the Department intends to provide education and assistance to lead agencies that encourages effective local administration of SMARA. The final LARA report will present a factual review of the lead agency's implementation of SMARA during the period reviewed.