RESOLUTION - ACTION REQUESTED 2013-552

MEETING: December 10, 2013

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Appropriate Money for Reclamation of Bear Creek Slate Quarry

RECOMMENDATION AND JUSTIFICATION:
Approve Budget Action Increasing Revenue and Appropriations in the Mariposa Decco Fund for Reclamation of the Bear Creek Slate Quarry (also known as Mariposa Decco Rock) ($11,404)

State law-required Financial Assurances (for a permitted mining operation) were recently seized by the County Clerk and deposited in a new fund entitled "Mariposa Decco Planning Fund." The recommended action will allow the seized funds to be used to reclaim the abandoned mine site pursuant to State law, the Surface Mining and Reclamation Act (SMARA).

This money will be used to fund a contract for services to complete reclamation of the Bear Creek Slate Quarry and another abandoned mine on the Tauchin Ranch property (Mariposa Aggregates).

The Planning Commission adopted Resolution No. 2001-015 conditionally approving Mining Permit No. 2001-1 (a mining permit and reclamation plan) for the Bear Creek Slate Quarry (also known as Mariposa Decco Rock) on September 7, 2001. Following the abandonment of the mine by the operator, and following conduct of a noticed public hearing, the Planning Commission adopted Resolution No. 12-021 on December 21, 2012 revoking Mining Permit No. 2001-1, finding the operator had abandoned the surface mining operation without commencing reclamation, and directing staff to take all steps to secure the funds to complete reclamation of the site in accordance with the approved reclamation plan. Pursuant to the procedural requirements of State Law, the Surface Mining and Reclamation Act (SMARA), Planning staff notified the owner that the county intended to seize the financial assurances, gave the operator 60 days to commence reclamation, and established a deadline to complete reclamation. Following the 60 day time frame and an on-site inspection to confirm no reclamation had been commenced, Planning Staff caused the County Clerk to seize the financial assurances (a Certificate of Deposit at Yosemite Bank) in order to conduct and complete reclamation. The financial assurances were deposited into the revenue line item of the newly created fund.
BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the budget action. There will be no available funds to complete the required reclamation and close out the mine operation. The mine will remain in an abandoned and unprotected condition. Pursuant to SMARA, the County, as lead agency, is required to reclaim abandoned mines using seized financial assurances.

FINANCIAL IMPACT:
A new budget unit was been created, and this requested action will appropriate funds in the revenue and expense lines for the exact amount of the seized financial assurances. There is no impact on the General Fund.

ATTACHMENTS:
131210 BUDGET ACTION Mariposa Decco  (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Rick Benson, County Administrator

RESULT:  ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:  Merlin Jones, District II Supervisor
SECONDER:  John Carrier, District V Supervisor
AYES:  Stetson, Jones, Bibby, Cann, Carrier
**BUDGET ACTION FORM**

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
<th>INCREASE</th>
<th>DECREASE</th>
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<td>373</td>
<td>0263-308</td>
<td>1100</td>
<td>Miscellaneous Revenue</td>
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<td>($11,404)</td>
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<td>373</td>
<td>0263-559</td>
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<td>Miscellaneous Expense</td>
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**TRANSFER BETWEEN FUNDS**

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<tbody>
<tr>
<td></td>
<td>$0</td>
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**ACTION REQUESTED:** (Check all that apply)

- [X] Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or transferring appropriation from Contingencies;

- () Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories with a budget unit;

**JUSTIFICATION:**

Appropriate funds in Revenue & Expense Accounts for new budget account "Mariposa Decco Planning Fund" for mine reclamation

**APPROVED BY RES NO. 13-552**

CLERK: Mary V. Dvorsky, Deputy

DATE: 12-10-13

MARIPOSA DECCO: [Signature]

DATE: 12/12/13

AUDITOR'S USE ONLY

BA#: [Blank]