



**MEMORANDUM OF UNDERSTANDING
BY AND AMONG
THE CALIFORNIA DEPARTMENT OF CONSERVATION
AND
THE CALIFORNIA STATE LANDS COMMISSION**



PURPOSE

This Memorandum of Understanding (MOU) implements a policy of coordination and cooperation by and among the California Department of Conservation (DOC) Office of Mine Reclamation (OMR) and the California State Lands Commission (CSLC). The purpose of this MOU is to establish a basic framework to advance the parties' mutual commitment to assess, and where feasible, remediate health and safety hazards associated with legacy abandoned mines on State school lands.

AUTHORITY

The OMR administers the Surface Mining and Reclamation Act of 1975 (SMARA; Public Res. Code, Division 2, Chapter 9, §§ 2710 *et seq.*) Within OMR, the Abandoned Mine Lands Program (AMLPL) helps public agencies remediate legacy abandoned mine features that pose a significant public safety or environmental contamination risk. Legacy abandoned mines are mines that ceased operation and were not reclaimed or remediated prior to January 1, 1976, and include historic abandoned mines as defined under Public Resources Code section 2207, subdivision (d)(4)(B)(ii). The AMLP's funding for remediation has come from fees (\$5 per ounce of gold and 10¢ per ounce of silver mined in the State) collected under Public Resources Code section 2207, subdivision (d)(4)(B)(i).

The CSLC administers the public lands of the State under policies established by the Legislature and the Commission (Public Res. Code, Division 6, §§ 6001 *et seq.*). These "public lands" include, but are not limited to, sovereign lands, swamp and overflow lands, school lands, and granted lands. Of these public lands, school lands have historically been most heavily impacted by mining. One component of the Master Plan for school lands embodied in Public Resources Code section 6201.5 provides for rehabilitation of lands impacted by mineral exploration and extraction. The CSLC also reviews, for compliance with the California Environmental Quality Act (CEQA), any projects that propose the use of State lands prior to the issuance of any lease, permit or other entitlement (see Cal. Code Regs., tit. 2, §§ 2902 *et seq.*). Where so empowered the Commission may, by resolution, authorize any of its employees or officers to execute any instrument in the name of the State (Public Res. Code § 6106). On February 9, 2016, the Commission authorized its Executive Officer to execute this MOU

in order to eliminate potential public safety hazards on State school lands and to continue cooperative efforts with the DOC to remediate mine hazards for a period of seven years.

OBJECTIVES AND AGREEMENTS

It is mutually agreed and understood as follows:

1. Each party shall designate an individual or individuals to coordinate reclamation or remediation activities on State school lands, and shall identify in writing any replacement thereafter.
2. The CSLC shall identify legacy abandoned mine sites on State school lands that pose public safety or environmental contamination risk. Such sites may be candidates for site investigation and sampling, protective measures such as warning signs or fencing, and/or for hazard remediation by the installation of mine closures such as bat gates, culvert gates, cupolas, foam plugs, and backfill with waste rock material. The CSLC shall provide information on these potential sites to the OMR.
3. The OMR will determine if appropriated Abandoned Mine Reclamation and Mineral Fund (AMRMF) fees are available and can be used to close and protect legacy abandoned mine openings on the identified State school lands parcels. Provided funding is available from appropriated AMRMF fees, the OMR may contract, as needed, with qualified third parties to develop and implement legacy abandoned mine closure proposals on State school lands. The CSLC may contribute in the payment of contractor costs. Should funding not be available through OMR, the CSLC may elect to contract and unilaterally fund a qualified contractor to develop and implement legacy abandoned mine closures on State school lands.
4. The CSLC shall determine, pursuant to the CEQA, the appropriate level of environmental review and analysis of legacy abandoned mine closure proposals, and shall coordinate and seek approvals from other agencies, including but not limited to the California Department of Fish and Wildlife and the State Office of Historic Preservation, prior to the Commission authorizing any remediation work on State school lands.
5. No reclamation measures shall be undertaken at any legacy abandoned mine site on State school lands without a written Mine Closure Plan reviewed and approved by the CSLC. Each party shall ensure that all mine closure activities are conducted in compliance with the approved Mine Closure Plan, the Surface Mining and Reclamation Act, CEQA, and this MOU, as applicable. In the event of any disagreement between the parties as to whether proposed operations are in compliance with the foregoing, the CSLC, as trustee of the State school lands, may require that all site work cease pending resolution of the disagreement.

6. Closure work shall only be performed on mutually acceptable dates so that CSLC monitoring responsibilities may be fulfilled.
7. This MOU may be amended by written agreement of the parties. The parties further agree to take whatever steps they deem necessary, including additional or extensions of agreements with each other and with other agencies, to fulfill the purposes of this MOU.
8. Nothing in this MOU is intended, nor shall be construed, as limiting, expanding, delegating, or affecting the existing statutory authority of the DOC, the OMR or the CSLC.
9. This MOU shall be effective as of the date it is signed by the last party and shall remain in effect for a period of seven (7) years, or until terminated by either party by providing written notice at least 30 days in advance of any intended date of termination. Any reclamation measures in progress at the end of the effective period or at termination shall continue and be completed according to the terms of this MOU and approved Mine Closure Plan.

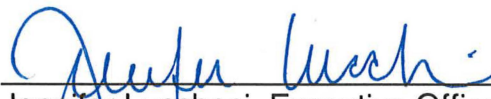
Signed,



David Bunn, Director
California Department of Conservation

1/27/16

Date



Jennifer Lucchesi, Executive Officer
California State Lands Commission

2/17/16

Date