

SURFACE MINING INSPECTION REPORT

Instructions for completing this form are on the reverse side. Attach notice(s) of violation(s) and order(s) to comply for all observed non-compliance.

I. Mine Name as reported by Operator on Mining Operation Annual Report Pope Creek Quarry	Inspection Date: 5/8/08 & 1/22/09	CA MINE ID#: 91 - 28-0007
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II. SMARA Lead Agency Name (City or County <u>only</u>)		
County of Napa		
Inspector Donald Barrella	Telephone (707)299-1338	
Title Planner III	Organization Napa County Conservation Development & Planning Div.	
Mailing Address 1195 Third Street, Suite 210		
City Napa	State CA	ZIP Code 94559
E-mail Address (Optional) dbarrell@co.napa.ca.us		

III. Mine Operator		
Don Wesner Incorporated		
Contact Person Don Wesner	Telephone (707)481-6102	
Mailing Address 1525 Skellinger Lane		
City Napa	State CA	ZIP Code 94558
E-mail Address (Optional)		

IV. Does the operation have:	P	NR	No	Yes
A permit to mine?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit # 97420-SMP / Partial Revision-Extension P08-0006
An approved Reclamation Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RP # 97420-SMP Reclamation Plan
Has the operator filed a Mining Operation Annual Report (form MRRC-2)? Check one: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown				
Is this operation on Federal Land? Check one: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If "Yes", provide one or both of the Federal Mine Land Identification Numbers below:				
California Mining Claim Number (CAMC#):				
U.S. Forest Service Identification Number (USFS ID#):				

DISTRIBUTION: Original to Operator. Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).

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V. Does the Operator currently have a Lead Agency approved Financial Assurance? Check one: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", complete section below. If "No", refer to instructions on the reverse of this page and complete Section VI.		Inspection Date: 5/8/08 & 1/22/09	CA MINE ID#: 91 - 28-0007
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Current Amount on File	Date of Expiration
<input checked="" type="checkbox"/> Surety Bond	111827	\$ 63,039.00	none
<input type="checkbox"/> Certificate of Deposit		\$	
<input type="checkbox"/> Letter of Credit		\$	
<input type="checkbox"/> Trust Fund		\$	
<input type="checkbox"/> Pledge of Revenue		\$	
<input type="checkbox"/> Budget Set Aside		\$	
<input type="checkbox"/>		\$	
The Financial Assurance Amount must be adjusted annually. Attach a copy of the revised Financial Assurance Amount calculation with this report.		Date of Financial Assurance Amount Calculation: August 2007	
Does the current mechanism(s) on file cover the new annual calculation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If "No", date operator was notified that a new mechanism is required:	

VI. Financial Assurance comments.

August 2007, the Office of Mine Reclamation (OMR) concurred on an adjusted financial assurance cost estimate in the amount of \$63,039. The operator provided an updated bond in the amount of \$63,039 in April 2008.

The operator submitted an updated financial assurance cost estimate October 2, 2008, in the amount of \$34,860.50. Review of this cost estimate has identified several items that need to be included in the updated cost estimate, as follows:

- Costs associated with reclamation of the Batch/Wash Plant area (4-5 acres approximate);
- 5 years of monitoring costs (only 1 year of monitoring was indicated);
- Costs associated with removal of all structures, equipment, and debris;
- Consistency between equipment hours and operator hours;
- References for equipment rental rates and labor rates based on know/acceptable sources;
- Use of equipment rental rates and labor rates identified above in the updated cost estimate;
- Recalculation of seed and mulch costs (amounts of each appear inadequate to cover entire site).

A revised cost estimate addressing these issues and including all areas subject to reclamation will need to be provided for the County to adequately review and approve, and ultimately forward to OMR for review and concurrence.

Regarding the financial assurance mechanism, the current amount covers the last approved cost estimate (\$63,039: August 2007); however, as discussed above a revised updated cost estimate to the one provided by the operator on 10/2/08 will need to be submitted for review before the County will be in a position approve an updated financial assurance amount and subsequently request the assurance mechanism be adjusted to cover that amount.

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VII. Is the operation in compliance with provisions of the approved Reclamation Plan with respect to:	OK	VN	NI	NA	CA MINE ID # 91-28-0007
Wildlife Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inspection Date: 5/8/08 & 1/22/09
Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Agricultural Land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weather Code(s): CR
Stream Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Duration of Inspection: 5 hour
Tailings and Mine Waste Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approximate Disturbed Acreage: 10
Closure of Surface Openings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building, Structure, and Equipment Removal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Operation Code(s): A
Topsoil Salvage, Maintenance, and Redistribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Backfilling, Regrading, Slope Stability, and Recontouring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Reclamation Code(s): RN
Drainage, Diversion Structures, Waterways, and Erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (list or explain below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

VIII. Comments/Description of Violation(s) and Corrective Measure(s) Required [NOTE: please indicate if you have attached notice(s) of violation(s) and correction order(s), in lieu of description on this form]:

The operator/owner will need to commence the following activities, consistent with the conditions of approval of #97420-SMP:

- Removal of all debris and equipment throughout the site (i.e. the quarry and batch plant) not associated with the operation;
- Implementation of appropriate erosion control measures throughout the site to minimize soil loss and sedimentation;
- Ensure that all spoils piles and associated mining activities are a minimum of 50 feet from the top of bank of Pope Creek;
- Abatement of noxious weeds (i.e. star thistle);
- Good housekeeping practices throughout the hard rock quarry and batch plant (i.e. maintain a neat site);
- Ensure proper containment of potentially hazardous materials (i.e. petroleum products and chemicals);
- Installation of tree protection fencing around trees scattered throughout the project site and along Pope Creek (condition 19).

Reclamation efforts have not been commenced at this time. Reclamation of inactive areas of operation should be commenced this spring, including installation of screening vegetation identified in Condition 12 of #97420-SMP.

IX. Number of Violations: 0	Inspector's Signature: 	Date Signed: January 29, 2009
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