

June 17, 1993

Sid Goldstien
650 Alamo Pintado Road #302
Solvang, CA 93463

RE: 90-RP-002; Gordon Sand Final Reclamation Plan; APN's 113-020-009, 113-020-018, 113-020-020, and 113-020-021

Dear Mr. Goldstien:

At the Commission's meeting on June 16, 1993, Commissioner Wilde moved, seconded by Commissioner Thompson and carried by a vote of 4 to 0 (Commissioner Quandt - absent), to:

- A. Approve the findings that the Negative Declaration (90-ND-064) together with the comments received during the public review process is adequate and complete and reflects the independent judgement of the Planning Commission; and
- B. Adopt the required findings set forth in section VIII of staff's report, including Findings that were presented in previous staff reports presented during the conceptual approval hearings dated July 17, 1991, May 22, 1991, April 24, 1991 and March 20, 1991; and
- C. Approve the reclamation plan, 90-RP-002, subject to conditions of approval set forth in Exhibit A of staff's report except to:
 - o Amend Condition 2.c. to read as follows:

Annual Review

- (c) The applicant shall resubmit the Reclamation Plan to County staff and the Planning Commission for annual review to coincide with annual review of 77-CP-66. Annual review shall evaluate compliance with the provisions of the Reclamation Plan, examine the adequacy of the financial assurances posted as security for reclamation, and require the amount of the assurances to be changed as necessary to provide adequate security. In the event that the Planning Commission determines that modifications to the Reclamation Plan are necessary due to ~~changed conditions~~ **significant changes in the environmental setting of the mined lands**, (including, but not limited to, expiration of the existing lease and any physical change in the mining operation), the Planning Commission shall consider the proposed modifications following the same procedures required for Reclamation Plan approval.
- o Add the following language to Condition #14 to read as follows:

"If the performance security provided by the applicant is a certificate of deposit, then joint instructions from the County and the applicant to the financial institution shall be prepared by applicant and reviewed and approved by County Counsel which will (a) allow the County to make withdrawals from the principal amount on deposit after the procedures as to forfeiture in Condition 16, below, have been satisfied, and (b) allow the applicant (i) to receive the interest payments, (ii) to select the term for any and all certificates of deposit as initial and subsequent certificates of deposit mature, and (iii) to select the financial institution at which the initial and subsequent certificates of deposit shall be placed, subject to approval by the County pursuant to its obligation to assure the adequacy of the performance security."
- o Amend Condition #18 to read as follows:

If, after conducting the inspections required under Condition #17 RMD or Public Works finds that the Reclamation Plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the Reclamation Plan as specified in Section 2774.1 of the Public Resources Code (**SMARA**). If at the end of this period of time, the Reclamation Plan is still not being implemented as approved, RMD shall notify the mining operator and the Planning Commission of the continuing failure to comply. RMD shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the Reclamation Plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the Reclamation Plan. Once the Reclamation Plan is revoked all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the

plan, RMD shall declare all or part of the ~~performance security~~ **Financial Assurance** for reclamation forfeited in accordance with the security's provisions and State law. **The reclamation plan would be considered null and void, and the County would use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.**

- o Amend Condition 36 to read as follows:
 - 36. Unless review of an interim management plan is pending before the Planning Commission, or **other reviewing agency, or** an appeal is pending before the Board of Supervisors, **or the State Mining Board,** a surface mining operation which remains idle for over one year (after becoming idle as defined in section 2727.1 SMARA) without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.
- o Add Conditions 39 and 40 to read as follows:
 - 39. **All applicable requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time, are made a part of this Reclamation Plan by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.**
 - 40. **If there is any discrepancy between the conditions of approval, Attachment A, and the reclamation plan, Attachment D, the conditions of approval shall override Attachment D.**

The following conditions of approval reflect the Planning Commission's action:

1. Approval of 90-RP-002 is based upon and limited to compliance with the project description, the hearing exhibits (Planning Commission Exhibit "A", dated June 7, 1990), and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the Planning Commission for conformity with this approval. Deviations may require modification to the plan and/or further environmental review. Deviations without the above described approval will constitute a violation of plan approval.

STATEMENT OF INTENT:

In approving this Reclamation Plan, it is the intent of the County to ensure that reclamation of the Gordon Sand mine at the Guadalupe Dunes is in full compliance with state law and includes the following:

- 1) Removal of all structures and equipment (above and below ground) with the possible exception of the existing water well and related pumps, tanks, and utilities.
- 2) Restoration of the topography of the bottom of the excavation area, access road, and processing site to a smooth, uniform grade, with remaining reclamation to occur through natural processes demonstrated to be effective in a sand dune environment.
- 3) Applicant sponsored revegetation of portions of the access road and processing site (identified in attached Exhibit D) provided that such revegetation is determined to be feasible, desirable, and less environmentally damaging than allowing revegetation to occur solely through natural processes.
- 4) Maintenance of adequate financial assurances by the mine operator throughout the life of the mining operation until completion of reclamation.
- 5) Provisions for annual review of the plan for compliance, adequacy of security, and potential modification to address changing conditions such as extension/ renewal of the lease.

The purpose of this statement of intent is to provide guidance to decision makers in considering future modifications to the Reclamation Plan.

The project description is as follows:

A Reclamation Plan for an existing surface sand mining operation within the coastal zone, Assessor Parcel Numbers 113-020-09, -018, -020, -021 in the RES-320 zone district, Article II, Santa Barbara County Zoning Ordinance. The following reclamation practices/activities shall be performed either during mining operations or upon mine closure:

ACTION

TIMING

SAND PIT

1. a) Construct side slopes of sand pit to 2:1 slope On going.
- b) Leave permanent flag markers on the perimeter of the pit in place. On going.
- c) Leave the pit in its existing condition upon closure of the mine and allow the natural processes of wind blown sand movement to eventually restore the site to a more natural condition. At Closure.
Completion within 12 months of cessation of operations.
- d) Clay, silt, or rock materials removed from the access road and processing plant during reclamation would be placed into the sand pit for disposal. At Closure.
Completion within 12 months of cessation of operations.

ACCESS ROAD

- e) Allow natural processes of wind blown sand to gradually restore the natural surface of the road. Decomcompact the sand road to aid in establishment of native vegetation. Any base materials placed on the sand road by Gordon Sand would be removed and placed in the sand pit. Decompaction of the road and removal of base materials shall be done to RMD satisfaction. At Closure.
Completion within 12 months of cessation of operations.
- f) RMD to determine feasibility and desirability of revegetation based on biologist's report prepared prior to closure. If revegetation is required, it shall be completed as specified in the biologist's report within two years of cessation of mining or within the time specified in the report, whichever is shorter. Areas to be revegetated shall be as shown on Exhibit D. One year prior to closure.

PROCESSING PLANT

- g) Remove all equipment, tanks and structures, refuse and remaining materials. Level any stockpiles of sand. Remove silt from sediment pond and blend with site terrain. Leave pond in place to trap any remaining sediment after reclamation (pond will eventually fill in and blend with terrain).

At closure.
Completion within 12 months of cessation of operations.
- h) Remove above ground utilities in consultation with appropriate utility companies. Abandon the on-site septic system in accordance with all County requirements.

At Closure.
Completion within 12 months of cessation of operations.
- i) The existing water well, tanks and pumps could be allowed to remain if pumped for a County permitted use subject to RMD approval; otherwise removal is required in conjunction with site reclamation.

At Closure.
Completion within 12 months of cessation of operations.
- j) Any surfaces compacted from the mining operation would be decompacted to aid in establishment of native vegetation.

At Closure.
Completion within 12 months of cessation of operations.
- k) RMD to determine feasibility and desirability of revegetation based on biologist's report prepared prior to closure. If revegetation is required, it shall be completed as specified in the biologist's report within two years of cessation of mining or within the time specified in the report, whichever is shorter. Areas to be revegetated shall be as shown on Exhibit D.

One year prior to closure.

SECURITY

- l) Provide security to guarantee on-going reclamation Within 60 days of and reclamation of access road and processing plan approval for all plant. Amount and type of security to be security. determined by County upon receipt of estimate from applicant's engineer. Security amount shall be reevaluated annually upon renewal of the Reclamation Plan. Security amount shall include the cost of preparation of the biologist's report to evaluate the feasibility and desirability of revegetation, as well as, the estimated cost of revegetating the access road and processing site as indicated on the attached Exhibit D. Security shall remain in effect through completion of reclamation.

RECLAMATION PLAN TERM

- m) This Reclamation Plan shall remain in effect through March 1, 2015. At that time, or upon cessation of operations, whichever occurs first (not including temporary idle periods as defined by SMARA), reclamation in accordance with this approved plan shall immediately commence. In the event that the applicant anticipates mining operations to continue beyond March 1, 2015, the applicant shall apply to the Resource Management Department to extend the reclamation plan. Extensions may be granted by the Planning Commission in annual increments as determined by the Commission.

RECLAMATION PLAN REVIEW

- n) The plan shall be reviewed annually by the Planning Commission in order to: verify compliance with ongoing reclamation requirements; adjust financial assurances and, if necessary due to changed circumstances, modify the Reclamation Plan. The review shall coincide with annual review of 77-CP-66 and shall occur not later than July 1st of each year. Any modifications to the plan shall be subject to review by the state geologist and shall be processed in the same manner as the original plan.

The grading, development, use, and maintenance of the property, the size,

shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto. All plans submitted for review and approval shall be implemented as approved.

DERC CONDITIONS

Revegetation

2. (a) One year prior to cessation of operations, the applicant shall submit a report acceptable to RMD, prepared by a DERC qualified biologist, which evaluates revegetation methods available based on then-current technology, their feasibility, and the desirability of requiring applicant sponsored revegetation versus allowing revegetation to occur solely through natural processes. The study shall also estimate the full cost of revegetation of the portions of the site where applicant sponsored revegetation may be required (portions of the access road and processing site indicated on attached Exhibit D). In the event applicant sponsored revegetation is determined to be feasible and desirable, the report shall be supplemented to include a specific monitoring plan for site revegetation to be reviewed and approved by Permit Compliance staff or DERC selected consultant. In the event that applicant sponsored revegetation is required said revegetation shall be initiated within the first planting season following the cessation of mining operations and fully implemented within two years of cessation or within the time frame specified by the author of the report, whichever is less.
- (b) If revegetation is determined to not be feasible or desirable, in the opinion of RMD, revegetation efforts may be abandoned.

Annual Review

- (c) The applicant shall resubmit the Reclamation Plan to County staff and the Planning Commission for annual review to coincide with annual review of 77-CP-66. Annual review shall evaluate compliance with the provisions of the Reclamation Plan, examine the adequacy of the financial assurances posted as security for reclamation, and require the amount of the assurances to be changed as necessary to provide adequate security. In the event that the Planning Commission determines that modifications to the Reclamation Plan are necessary due to significant changes in the environmental setting of the mined lands, including, but not limited to, expiration of the existing lease and any physical change in the mining operation, the Planning Commission shall consider the proposed modifications following the same procedures required for

Reclamation Plan approval.

- (d) Deleted.

Monitoring

- (e) Upon implementation of the Reclamation Plan, the applicant shall provide photo-documentation of the progress of revegetation activities (if required) every three months and arrange for quarterly site visits by Permit Compliance staff or designated representative as part of the specific monitoring plan included in the biologist's report.

Access Road

3. Reclamation shall include decompaction of surfaces subject to compaction from the mining operation to aid in the establishment of native vegetation. The sand road, in particular, and the processing site, shall be decompacted to the satisfaction of RMD. To ensure compliance, the applicant shall arrange for Permit Compliance staff to observe the decompaction of the sand road.
4. Reclamation shall include removal of clay and silt which has been spread on the sand road as a stabilizer from the portion of the road which crosses the vegetated area. This material, and that remaining in the sediment basin at the time of closure, shall be disposed of in the sand pit upon completion of decompaction activities. Any other rock materials used by Gordon Sand Company (not including any gravel placed adjacent to the road by the Shell Corporation) to stabilize the road shall also be disposed of in the sand pit prior to completion of decompaction activities. To ensure compliance, the applicant shall provide photo-documentation of the removal of this material and arrange for an inspection by the Permit Compliance staff.

Processing Site

5. Reclamation shall include removal of all structures and equipment involved in the mining operation, abandonment of the existing septic system at the processing site, and decompaction of the soil, within 12 months of the cessation of operations. The water well and associated tanks and utilities may remain to the end of reclamation efforts if used during those efforts or permanently if pumped for a County permitted use subject to RMD approval. To ensure compliance, the applicant shall provide photo-documentation to Permit Compliance staff every three months illustrating the progress made in removal of the mining equipment.

Monitoring (Condition Nos. 1-5): A report on mining activities is submitted annually by Gordon Sand Company per the requirements of 77-CP-066. This

report includes aerial photographs, sales volumes and an updated topographic map of the sand pit. Staff of RMD shall monitor these reports to determine compliance with ongoing reclamation requirements and to estimate when the mine would be closed due to material exhaustion. As stated in the mitigation measures above, a specific monitoring plan for revegetation will be submitted with the biologist's report discussed above, if revegetation is determined by RMD to be desirable and feasible. Permit Compliance staff shall monitor implementation of the Reclamation Plan through review of photographs and site visits.

DEVELOPMENT REVIEW CONDITIONS

6. Compliance with the following Departmental letters shall be required:

Air Pollution Control District Letter dated September 20, 1990.
7. Finished slopes within the sand excavation corridor shall not exceed a maximum gradient of 2:1 while mining operations are being conducted and upon cessation of mining operations.
8. Finished grade within the sand excavation corridor shall be left smooth and uniform.
9. No mature native trees/vegetation shall be damaged or removed as a result of implementation of this Reclamation Plan.
10. Any night lighting placed as part of the Reclamation Plan shall be shielded and focused to shine on the work area only.
11. Should any archaeological materials be discovered or suspected during implementation activities for reclamation, earth moving shall be halted until a DERC qualified archaeologist funded by the applicant can be brought to the site to evaluate the discovery, recommend appropriate mitigation measures, and supervise their implementation.
12. Deleted.
13. (a) Deleted.
(b) Deleted.
(c) Deleted.
(d) Deleted.
14. Within 15 days of conceptual approval of this plan, the applicant's engineer shall provide an estimate of the costs to complete the reclamation of the site, including labor and materials, and a 15% contingency. This estimate shall also

include an estimate of the cost of preparation of the report addressing revegetation discussed in condition no. 2 as well as an estimate of the cost of revegetation. Within sixty days of final approval of this plan, the applicant shall post a performance security with the Resource Management Department to ensure that reclamation will proceed in conformance with the approved plan. The type of performance security shall be consistent with Section 2773.1 of SMARA. The security for reclamation shall remain in effect until completion of reclamation with provision for annual renewal and adjustment to reflect changes in security requirements and/or changes in the cost of reclamation and/or amount of security may be adjusted in accordance with the applicable regional Consumer Price Index, or other appropriate index as determined by RMD. The amount of the performance security shall be based upon the estimate by the applicant's engineer of the costs to complete the reclamation of the site. The form, amount, and duration of security shall be subject to review and approval by RMD, County Counsel, and Public Works staff prior to posting the security. If the performance security provided by the applicant is a certificate of deposit, then joint instructions from the County and the applicant to the financial institution shall be prepared by applicant and reviewed and approved by County Counsel which will (a) allow the County to make withdrawals from the principal amount on deposit after the procedures as to forfeiture in Condition 16, below, have been satisfied, and (b) allow the applicant (i) to receive the interest payments, (ii) to select the term for any and all certificates of deposit as initial and subsequent certificates of deposit mature, and (iii) to select the financial institution at which the initial and subsequent certificates of deposit shall be placed, subject to approval by the County pursuant to its obligation to assure the adequacy of the performance security.

15. As part of the annual review of the Reclamation Plan, the form and/or amount of security may be adjusted in accordance with the applicable regional Consumer Price Index, or other appropriate index as determined by RMD, to maintain the same relative value of the security over the life of the Reclamation Plan and to assure that performance security still reflects the actual cost for completing reclamation on-site. If the Planning Commission determines that additional or new security must be posted, the applicant shall provide the required security within 30 days of Planning Commission review.
16. RMD may declare all or part of the security for reclamation forfeited, pursuant to notice to the applicant and a public hearing, if the Planning Commission determines that the mining operation has been abandoned, the operator is financially incapable of carrying out the Reclamation Plan, or any provision of the approved Reclamation Plan is violated as noted in Section 2773.1 (B) of SMARA. No security shall be released until compliance with all applicable conditions of the Reclamation Plan is verified to the satisfaction of RMD. Upon completion of reclamation, Public Works and Permit Compliance staff shall perform a final site inspection to verify that all requirements of the

Reclamation Plan have been satisfied. The operator shall be responsible for the costs of conduction and completing reclamation in accordance with the approved Reclamation Plan which are in excess of the proceeds from the forfeited financial assurances.

17. Site inspections to verify ongoing reclamation in conformance with the approved Reclamation Plan shall be scheduled annually to coincide with review of 77-CP-66. The applicant shall pay the cost of any required annual inspections by RMD and/or Public Works staff, or designated representative, based upon an hourly rate established by the Board of Supervisors, upon receipt of a bill from Santa Barbara County. Failure to pay the inspection fee within sixty days of the due date shall constitute grounds for revocation of the Reclamation Plan by the Planning Commission and cessation of mining operations.
18. If, after conducting the inspections required under condition no. 17, RMD or Public Works finds that the Reclamation Plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the Reclamation Plan as specified in Section 2774.1 of the Public Resources Code. If at the end of this period of time, the Reclamation Plan is still not being implemented as approved, RMD shall notify the mining operator and the Planning Commission of the continuing failure to comply. RMD shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the Reclamation Plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the Reclamation Plan. Once the Reclamation Plan is revoked all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the plan, RMD shall declare all or part of the performance security for reclamation forfeited in accordance with the security's provisions and state law.
19. Because of the uncertainty regarding the state of the art for dune revegetation at the time of mine closure, future revegetation of the areas identified in Exhibit D is contingent on a determination by RMD that such revegetation is feasible and desirable. In the event that a dispute occurs between RMD and the mine operator regarding the desirability and feasibility of revegetation or any other component of the approved Reclamation Plan, the applicant may request the Planning Commission to determine whether any required measure is desirable and feasible. The basis for determining feasibility shall be the definition of the word "feasible" provided in Article II, Section 35-58. Desirability shall be determined by weighing the environmental benefits of an action versus the potential for environmental damage; considering whether an action would carry out the policies of the Comprehensive Plan; and, weighing the potential for an action's short term benefits versus potential long term negative consequences.

20. All mining related structures, facilities, improvements, stockpiles, surpluses, wastes, debris, and potentially hazardous features or conditions shall be removed or otherwise corrected within 12 months of cessation of mining operations except where RMD determines that said improvement should remain in its existing condition.
21. The applicant shall provide RMD with the current name, title, address, and phone number of the applicant's field agent and other representatives who shall receive all orders and notices as well as all communications regarding matters of condition and code compliance at the permit site. There shall always be such a contact person(s) designated by the applicant. If the address or phone number of the applicant's agent(s) should change, or if a new contact person is named, the applicant shall provide RMD with the new information within thirty days.
22. Within 60 days of final Reclamation Plan approval, the applicant shall execute and record an agreement, subject to RMD approval, to complete the work outlined in the Reclamation Plan within the time limits of said plan and consistent with all requirements of said plan. This agreement shall bind the applicant and any future owners of the mine. This agreement shall be prepared to conform to the requirements of SMARA Section 2772(j) regarding an applicant statement of responsibility for reclamation.
23. The mine operator shall notify RMD and the Public Works Department in writing prior to commencing final reclamation of the site. The notice filed by the applicant shall indicate the exact date reclamation will begin and when site reclamation is expected to be completed. The applicant shall be responsible for arranging for a final inspection of the site after reclamation is completed.
24. All reclamation (with the exception of revegetation, which is governed by condition no. 2) shall be completed within one year from the date of revocation, abandonment, surrender, or expiration of the permit to mine, or within one year of cessation of mining operations (not including periods when the mine is idle as defined by SMARA and an interim management plan has been submitted for county review).
25. A Coastal Development Permit, Special Use Permit, grading permit, and/or demolition permit may be required for reclamation activities which fall within the meaning of the term "development" as defined in Article II of the County Zoning Ordinance. Prior to initiation of reclamation, other than slope maintenance during mine operation, the mine operator shall consult with RMD to verify permit requirements and obtain any required permits or approvals.
26. A grading and erosion control plan for restoration of the processing site shall be submitted by the mine operator to RMD prior to initiation of reclamation. The plan shall include placement of temporary berms and sediment trapping

basins as necessary to avoid unnecessary siltation into local streams during reclamation activities. The erosion control plan shall be implemented prior to commencement of any grading related to reclamation.

27. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attach, set aside, void, or annul, in whole or in part, the County's approval of the Reclamation Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
28. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development Permit (zoning clearance) from the Resource Management Department. The Coastal Development Permit (zoning clearance) is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Coastal Development Permit (zoning clearance) will be issued by the Resource Management Department, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in the Resource Management Department.
29. Approval of this project is subject to payment of fees as follows:
 - a. Within 90 days of final Reclamation Plan approval, the applicant shall pay compliance fees of such amount as may be authorized under ordinance and fee schedules to cover full cost of project monitoring, including costs of outside consultant analysis if deemed necessary by permit compliance staff. The initial fee assessed for permit compliance is intended to fund the cost of establishing a monitoring system for this project and to apply toward the cost of the first annual RMD site inspection. Further fees may be assessed as necessary to fund the cost of ongoing project monitoring. The permit compliance fees required shall be determined by the Permit Compliance Staff. The purpose of the fees shall be to ensure that the project development is completed in compliance with all project conditions including those contained in applicable ordinances, and is in accord with the approved site plan. An on-site meeting must be held by the mine operator with permit compliance staff, and other departments as applicable prior to any earth movement associated with reclamation. The project applicant shall contact the Permit Compliance Staff within 30 days of commencement of reclamation to schedule the required meeting and monitoring dates. Permit Compliance staff's signature is required for final reclamation clearance.
30. In the event of non-compliance with project conditions, the owner shall assume

the costs for the County to hire an outside consultant to assess potential damage to resources.

31. Approval of this Reclamation Plan shall not be final until the applicant has paid all applicable RMD permit processing fees in full.
32. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Planning Commission and no approval shall be issued unless substitute feasible mitigation measures are imposed.
33. The Resource Management Department (RMD) shall conduct an inspection of the mining operation within six months of receipt by the county of the mine operator's report submitted pursuant to Section 2207 of SMARA, solely to determine whether the mining operation is in compliance with the requirements of smara and the approved Reclamation Plan. Subsequent inspections by RMD shall occur at least once in each calendar year. RMD may cause such inspection to be conducted by a state registered geologist, civil engineer, forester, or state licensed landscape architect experienced in land reclamation. All inspections shall be conducted using a form provided by the state mining and geology board. The mine operator shall be solely responsible for the reasonable cost of the inspection (per SMARA Section 2774 (b)).
34. Any required financial assurances shall remain in effect for the duration of the surface mining operation, during any periods that the mining operation is idle, and for any additional period after mining operations have ceased, until reclamation is completed in accordance with the approved Reclamation Plan.
35. Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1 SMARA, the mine operator shall submit an interim management plan to the county for review and approval by the Planning Commission. The interim management plan shall fully comply with the requirements of SMARA, Section 2770 (h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the conditional use permit and approved Reclamation Plan. Upon expiration of the interim management plan, the surface mining operation shall commence reclamation in accordance with its approved Reclamation Plan.
36. Unless review of an interim management plan is pending before the Planning Commission, or other reviewing agency, an appeal is pending before the Board

of Supervisors, or the State Mining Board, a surface mining operation which remains idle for over one year (after becoming idle as defined in section 2727.1 SMARA) without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

37. The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the state geologist and RMD on a date established by the state geologist and upon forms furnished by the state mining and geology board pursuant to Section 2207 (a-g) of the State Public Resources Code.
38. If the Planning Commission determines at a noticed public hearing, that the permittee is not in compliance with any one of the conditions of this plan, pursuant to the provisions of Sec. 35-185.8 of Article II of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this plan.
39. All applicable requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time, are made a part of this Reclamation Plan by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.
40. If there is any discrepancy between the conditions of approval, Attachment A, and the reclamation plan, Attachment D, the conditions of approval shall override Attachment B.

PROCEDURES:

Pursuant to Section 35-182.3.1, Article II provides that the applicant or any property owner to whom notice of the Planning Commission hearing was required to be given, within ten (10) days after the Planning Commission Action, may appeal said action to the Board of Supervisors.

Pursuant to Article II, Section 35-177.6.4, Article II provides that the Board of Supervisors, within twelve (12) days after the Planning Commission action, may appeal said action and set for public hearing.

If this decision is appealed, a filing fee of \$343 must be delivered to the Clerk of the Board.

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Final Reclamation Plan
Planning Commission Meeting of June 16, 1993
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Environmental Health Services
APCD
Deputy County Counsel
County Surveyor
Supervisor Stoker, Fifth Supervisorial District (staff report included)
North County Library
Planner: G. Fuz

AJM:DL:#1

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If this action is appealed, this letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period and to collect the required appeal fee.

Public appeal period expires on June 28, 1993.

Sincerely,

Albert J. McCurdy
Secretary to
The Planning Commission

xc: *Case File: 90-RP-002
 *Permanent File
 *Richard Corral, Planning Technician
 *Owners: Gordon Sand Company, PO Box 5549, Compton, CA 90224(APN 113-020-09)

 Santa Barbara County (APN 113-020-020, -021)

 Maretti & Manetti Ranch Company, PO Box 939, Guadalupe, CA 93434
 (APN 113-020-018)

Fire Department
Flood Control
Park Department
Public Works