

Attachment 4
Existing GPS Permits

RECEIVED
JUL 18 2003

**NOTICE OF FINAL APPROVAL/
INTENT TO ISSUE A
LAND USE PERMIT**



Case No.: 03LUP-00000-00511 Planner: L. Appel
Project Name: GPS River Rock Products, Inc.
Project Address: 2370 Highway 33, Ventucopa
A.P.N.: 149-170-036 & 149-210-011
Zone District: "U"- Unlimited Ag.

Initials
[Handwritten Signature]

Planning & Development (P&D) grants final approval and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: 06/23/03

POSTING DATE/APPEAL PERIOD BEGINS: 06/24/03

APPEAL PERIOD ENDS: 07/03/03

DATE OF PERMIT ISSUANCE: (if no appeal filed) 07/04/03

NOTE: This final approval may be appealed to the Planning Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the Final Approval Date identified above. (Secs. 35-327. & 35-489.) If you have questions regarding this project please contact the planner at (805) 934-6261

PROJECT DESCRIPTION SUMMARY:

Land Use Clearance for the reclamation plan, supporting a grandfathered surface mining operation

PROJECT SPECIFIC CONDITIONS:

The applicant agrees to comply with all conditions from 93-RP-03 dated 12/17/97 (pages B1 - B14)

ASSOCIATED CASE NUMBERS: 93-RP-03

TERMS OF PERMIT ISSUANCE:

ISSUED
SANTA BARBARA CO. PLANNING & DEVELOPMENT

- 1. Posting Notice.** A weather-proofed copy of this Notice/Permit, with Attachments, shall be posted by the Applicant in three (3) conspicuous places along the perimeter of the subject property. At least one notice shall be visible from the nearest street. Each copy of this Notice shall be posted on the identified Posting Date and shall remain posted for a minimum of ten (10) consecutive calendar days. (Secs. 35-326.3 & 35-488.3)
- 2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). **WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.**

3. **Date of Permit Issuance.** This Permit shall be deemed effective and issued on the Date of Permit Issuance as identified above, provided:

- a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,
- b. The **Affidavit of Posting Notice** was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and
- c. No appeal has been filed.

4. **Time Limit.** Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

NOTE: This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

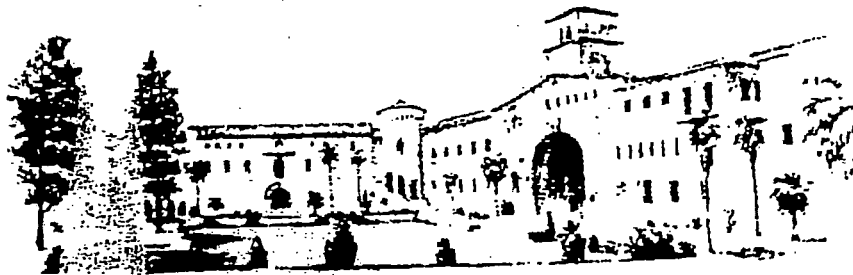
Sarah H. Bartling Sarah H. Bartling 6/11/03
Print Name Signature Date
RAM Environmental Engineering, Inc.

Planning & Development Issuance by:

[Signature] July 7, 2003
Planner Date

ALBERT F. REYNOLDS
Acting Director

105 E. Anapamu St.
Santa Barbara, Calif. 93101
Telephone 963-7171



DEPARTMENT OF RESOURCE MANAGEMENT

March 27, 1981

Mr. W. B. Farry
501 Tallant Road
Santa Barbara, CA 93105

Re: Gravel and sand mining operation in Cuyama River;
Assessor's Parcel(s) 149-170-36 or -37, Zone "U",
Unlimited Agricultural District

Dear Mr. Farry:

Mr. Britt A. Johnson, Planning Director, gave me a copy of the Planning Department approval, dated September 4, 1969, for continued use of your borrow pit located on APN 149-170-36 and APN 149-210-11, involving approximately 60 acres.

This approval would still be valid and, therefore, no Conditional Use Permit would be required in order to continue such operation. Disregard my letter dated February 26, 1981.

Very truly yours,

Charles L. King, Chief
Current Planning Division

CLK:dc

cc: Ray Coudray, Geologist, County Public Works Department
John T. Gorin, North County Zoning Administrator

*3-26-81 - Ceased to Taft Ready Mix
No Lease at this time - \$500.00 per mo. until
(6 mos) royalty per ton agreed to.
31-2-81 \$500.00 for april*



COUNTY OF SANTA BARBARA
CALIFORNIA

DEPARTMENT OF PLANNING

ENGINEERING BUILDING
123 E. Annapolis St.
SANTA BARBARA
CALIFORNIA
93101
Phone: 966-1611, Ext. 7468

BRITT A. JOHNSON
Planning Director

February 26, 1981

Mr. W.B. Farry
501 Tallant Road
Santa Barbara, Calif. 93105

Re: Gravel and sand mining operation in Cuyama River;
Assessor's Parcel(s) 149-170-36 or 37, zone "U",
Unlimited Agricultural District

Dear Mr. Farry:

With reference to the above you are advised that there is no record in this department that shows that any approval has ever been granted for a mining operation along this portion of the Cuyama River.

Any mining operation after September 28, 1958 was permitted only subject to the approval of a Conditional Use Permit granted by the County Planning Commission.

If it is proposed to mine gravel and sand from the Cuyama River, as it traverses your property, it will be necessary that you first obtain approval of a Conditional Use Permit. Such mining operation would also be subject to compliance with the State Mining Reclamation Act of 1975.

The required application forms may be obtained from this department when you are ready to proceed.

Very truly yours,

Charles L. King
Charles L. King, Chief
Current Planning Division

CLK:mm

cc: Ray Coudray, Geologist
County Public Works Department



Original

149-170-36
149-210-11

This approval is for a continuation of a legal non conforming use established prior to the zoning requirements of county ord. # 666 for a borrow pit of approx 60 acres on above assessors parcel

Charlie King Asst Director 963-71
Beth Johnson Director

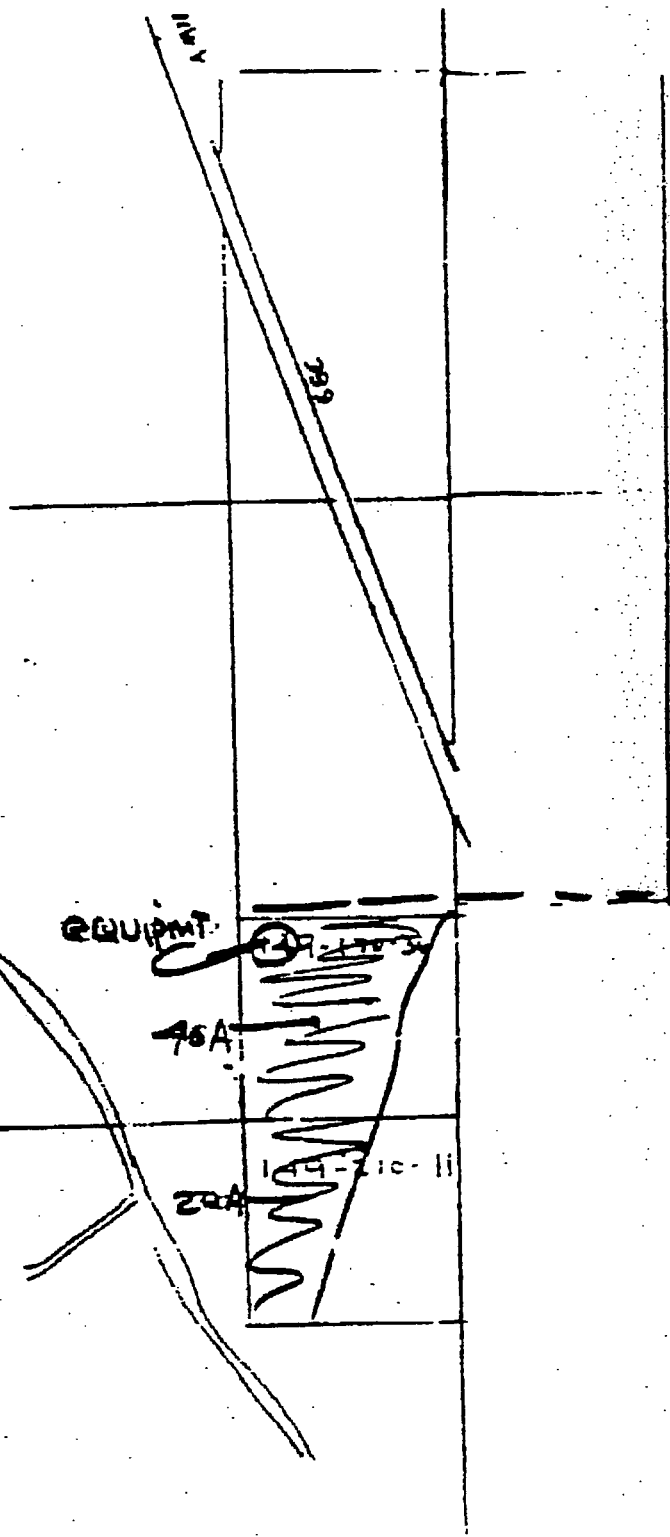
Gravel Pit Permit S.B.

9-4-69

Mr. James

Leaf

4
N
-



Hoff. S. 304

Equipment - Street View
Approved - 9-4-69

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December 19, 1997

Mr. Mark Pishinsky
RAM Environmental Services, Inc.
3333 Gibson Street, Ste. 200
Bakersfield, CA 93308

PLANNING COMMISSION
HEARING OF DECEMBER 17, 1997

RE: General Production Services/Southwest Ready Mix Reclamation Plan, 93-RP-003

Hearing on the request of RAM Environmental Services, representing the mine operator, General Production Services/Southwest Ready Mix to consider Case No. 93-RP-003 [application filed 08/25/93] for approval of a Reclamation Plan for an 80 acre surface sand and gravel mine Zoned U under Ordinance 661; and to approve the Negative Declaration (97-ND-27) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act.. The application involves **AP Nos. 149-170-036 and 149-210-011**, located west of State Highway 33, Ventucopa area, Fifth Supervisorial District.

Dear Mr. Pishinsky:

At the Planning Commission hearing of December 17, 1997, Commissioner Oberdeck moved, seconded by Commissioner Jenkins and carried by a vote of 4-0 to (Relis: abstained from hearing item), to:

1. Approve Negative Declaration 97-ND-27 (Attachment C of staff report dated October 20, 1997), and adopt the mitigation monitoring program contained in the conditions of approval (Attachment B of staff report dated October 20, 1997);
2. Adopt the required findings for the project specified in Attachment A of staff report dated October 20, 1997, including CEQA findings;
3. Approve the September 30, 1997, Reclamation Plan (Attachment D of staff report dated October 20, 1997) including the revision made at the hearing of December 17, 1997 as noted below, and approve the financial assurance (Attachment E of staff report dated October 20, 1997):

Φ Page 15 of the Reclamation Plan is revised as follows:

The word "feet" should be inserted in the last paragraph between the words "three" and "above."

Decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. Appeal applications may be obtained at the Planning & Development Department or the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal.

The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing [together with the accompanying applicable fee] must be filed with the Clerk of the Board of Supervisors within ten (10) calendar days of the date of the Planning Commission's decision. The appeal period for this project expires on December 29, 1997.

If this decision is appealed a filing fee for non-applicant appeals is \$435; for applicant appeals the fee is \$2,000 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA.

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.

Sincerely,

Albert J. McCurdy
Secretary to the Planning Commission

xc: Case File: 93-RP-003
Planning Commission File
Richard Corral, Planning Technician
Owner: Mr. William T. Farry, 1830 William Way, Concord, CA 94520
Operator: General Production Services/Southwest Ready Mix, P.O. Box 344, Taft, CA 93268
County Chief Appraiser
Fire Department
Deputy County Counsel
Veronica Lanz, Permit Compliance
Tim Kustic, Dept. of Conservation, Office of Mine Reclamation, 801 K Street, MS 09-06, Sacramento, CA 95814
Planner: Marc Bierdzinski

**Attachments: Findings
Conditions of Approval**

AJM:dcox
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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration, 97-ND-27, together with the comments received and considered during the public review process. The mitigated negative declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated to a level of insignificance.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Mr. Albert J. McCurdy, Planning and Development, located at 123 E. Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Reclamation Plan Findings

Pursuant to Section 35-320.8.2 of Article III, a reclamation plan shall only be approved or conditionally approved if all of the following findings are made.

- 2.1.1 *That the Reclamation Plan complies with applicable requirements of the state regulations (14 Cal. Code Regs. Section 3500 et seq.) with appropriate provisions of the County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code), and with other appropriate engineering and geologic standards.***

The Reclamation Plan has addressed all comments made by the State Office of Mine Reclamation and is in compliance with the County's Grading Ordinance.

- 2.1.2 *That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with the provisions of this Article and the County's Comprehensive Plan.***

Mining and the end use of open space are allowed in the A-II land use designation. The project is also consistent with applicable comprehensive plan policies as noted in Section 6.2 of the staff report. The Plan also complies with the applicable provision of Article III.

2.1.3 *That, in approving the Reclamation Plan, the required findings under CEQA can be made.*

The mitigated negative declaration for the project, 97-ND-27, identifies mitigation measures that will reduce all potentially significant impacts to a less than significant level. The required findings can be made as noted in Section 1.0 of Attachment A.

2.1.4 *That the land and/or resources such as water bodies to be reclaimed will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.*

The Reclamation Plan proposes an end use of open space that is compatible with the surrounding area (Cuyama River and agricultural fields).

2.1.5 *That the Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with the Comprehensive Plan.*

The proposed end use of open space is consistent with the Comprehensive Plan. An option of agricultural use in the area outside the floodplain of the Cuyama River is also available to the landowner and consistent with the land use designation of the site.

2.1.6 *That a written response to the Director of the Department of Conservation has been prepared, describing the disposition of major issues raised by the Director of the Department of Conservation. Where the Planning Commission is at variance with the recommendations and objections raised by the Director of the Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.*

The County and the Director of the Department of Conservation are in agreement on the requirements for the Reclamation Plan. No major issues remain. The response letter will transmit the conceptually approved Reclamation Plan and financial assurance to the State for final approval.

ATTACHMENT B: CONDITIONS OF APPROVAL

General Production Services/Southwest Ready Mix, 93-RP-003

I. Project Description

1. This Reclamation Plan is based upon and limited to compliance with the project description, the Reclamation Plan marked Exhibit D dated September 30, 1997 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The September 30, 1997, Reclamation Plan is hereby incorporated herein by reference and is available for review at Planning and Development, 624 W. Foster Road, Santa Maria, CA 93455. The following is a summary of the Reclamation Plan.

Existing Operations and Facilities

Approximately 60 acres of the property are being used for the mining operation in accordance with a Gravel Mining Permit granted to Mr. Farry in 1969 by the County of Santa Barbara. Rock, sand, and gravel are mined from an open pit. The maximum depth attained to date is approximately 46 feet below ground surface (bgs). Future mining depths would not exceed 90 feet bgs, as the deeper material is unsuitable for construction uses. Under no circumstances would mining encroach into the groundwater table.

Minerals are brought to the processing area by scrapers, trucks and front-end loaders and dumped into a surge pile or dumped directly into the hopper feeder. In the sand and gravel processing operation, sand, rock and gravel are sized, crushed, and re-screened to make different sized products. The screened products are washed by saturating the sand and gravel with water before stockpiling. Products from the sand and gravel plant are conveyed by belt feeders to finished stockpiles, located in the northeast corner of the property, which is above flood levels. The products are then loaded into trucks, weighed, watered down, and transported off site.

The mineral processing plant consists of the following:

Feed hopper, 20 feet wide by 16 feet long equipped with a feeder/conveyor driven by a 10 horsepower (hp) electric motor, connecting directly to the transfer conveyor;

Transfer conveyor, 30 inches wide by 40 feet long, driven by a 10 hp electric motor;

Scalping screen, 5 feet wide by 14 feet long, equipped with a primary feed hopper, 9 feet by 12 feet, and a feeder belt, 36 inches by 12 feet, and driven by a 10 hp electric motor;

Product conveyor, 2 feet wide by 40 feet long, with 5 hp motor;

Cone crusher with 75 hp motor and water spray bar system;

Conveyor, 2 feet wide by 40 feet long, driven by a 5 hp motor;

Transfer conveyor, 30 inches wide by 80 feet long, driven by a 15 hp motor;

Triple deck inclined wet vibrating screen, 14 feet long by 4 feet wide, with 15 hp electric motor, fabricated steel support structure, chutes for all three decks, collection hopper, water spray bar system with manifold on portable skid structure;

Sandscrew, 3 feet in diameter by 25 feet long, driven by a 15 hp electric motor;

Three (3) washed product radial stackers, two that are 75 feet long by 2 feet wide, and one that is 80 feet long by 2 feet wide. Each is driven by a 15 hp motor; and

Four (4) storage piles, containing processed sand, rock, and gravel. These piles cover a total of approximately 0.75 acres.

Approximately 20 to 30 trucks enter and leave the Rock Plant area daily. Vehicles enter the northeast corner of the property from Highway 33 on a graveled surface road that is 8 to 10 feet wide. A loop road routes the trucks through the stockpile area with easy return to the highway. The existing haul roads would be sufficient to serve the proposed expansion of the mining operation.

A 30-foot office trailer, an 800-square foot home, and a house trailer measuring 20 feet by 40 feet are located on the property for use by the employees. The facilities are served by private septic systems.

A private well supplies water to the facility. The well has a total depth of 580 feet bgs with a pump capacity of 350 gallons per minute (gpm). Fluid level was measured on March 21, 1994 at 95 feet bgs. An estimated 75,000 gallons of water are used per day. This rate is expected to remain consistent in the summer months but would decrease in the wet season. About 60,000 gallons of water are recycled daily. No water is discharged directly into the Cuyama River. All used water is directed to recharge/recycling ponds.

Fuel is stored inside a Fire Department approved concrete containment measuring 20 feet by 10 feet by 19 inches. Waste oil is stored in a 2,000 gallon tank. Fresh fuel oil is stored in a 500 gallon tank. There are two 250 gallon tanks containing motor oil and hydraulic oil, and two 55 gallon drums, one containing antifreeze and the other, rear end oil. A new containment would be constructed for a proposed 10,000 gallon diesel fuel tank.

All vegetated topsoil that has been stripped as a result of operations is stored for use for reseeded purposes in the area northwest of the ponds. The stockpiles are labeled and covered.

Both the processing plant and the pit are in operation Monday through Friday from 5:00 a.m. to 4:00 p.m. Screening of mined material occurs continuously during the hours of operation. Four employees operate the Rock Plant. Three are employed by the Rock Plant and one is a contract person.

All mined material is intended for sale. Material may accumulate over time, but it is available for sale. About 2,000 tons of pond sand and 5,000 tons of gravel are stockpiled onsite. Any stockpiled material that is not sold upon termination of the mining operation would be used for backfill and slope shaping.

Phasing

Mining would occur in three phases. The current mining operations are part of Phase I. In the spring of 1995, during the course of conducting excavation activities, the Cuyama River flooded and filled in the existing pit with new material. Mining of the replenished material has been occurring since the flood. Approximately 15 acres are currently being mined as part of Phase I. The area would be mined in a concentric manner down to 90 feet bgs, if possible, while maintaining a 3:1 slope. Mining would continue for about one year in Phase I as Phase II is concurrently initiated.

Phase II would entail expanding the current operation in the southwest corner to the boundaries of the property. The entire 30-acre triangular section would be mined in a concentric manner down to 60 feet bgs while maintaining a 3:1 slope. Reclamation would begin on the Phase I pit by backfilling the deepest portion with unusable material removed from the surface of the Phase II pit. The top four feet of material (approximately 124,000 cubic yards) are typically unusable as commercial material and would be used for backfilling the deepest portion of the Phase I excavation.

Phase III would involve deepening the Phase II area at a 3:1 slope down to 90 feet bgs, if possible. Mining would continue for approximately one more year in Phase III. Non-commercial material excavated during Phase III activities would also be used to backfill the Phase I pit.

Of the approximate 30 acre section proposed to be mined as part of Phase II/III, only 8 acres lie above the ordinary high water mark as designated by the Army Corps of Engineers. All 22 acres located below the ordinary high water mark are planned to be reclaimed by maintaining the 3:1 slope. However, it is anticipated that the natural flooding of the Cuyama River would fill the mined area below the ordinary high water mark with sediments, since it lies in the natural flood plain of the river as defined by the Santa Barbara County Flood Control and Water Conservation District and Water Agency.

Reclamation

Upon termination of mining, the entire 80 acres of mined and unmined land would be reclaimed in accordance with SMARA and the September 30, 1997, Reclamation Plan for the site prepared by RAM Environmental Services, Inc. Mr. William Farry, owner of the land, foresees little other use of the land if mining is terminated. The end use of the portion of the property above the ordinary high water mark is intended for crop or pasture land consistent with the current agriculture zoning designation. The end use of the remainder of the property would be undeveloped and would be allowed to return to a natural floodplain of the Cuyama River.

Any stockpiled material that is not sold upon termination of the mining operation would be used for backfill and slope shaping. No underground equipment is located on-site. All equipment would be auctioned or returned to the Southwest Ready Mix yard in Taft. The processing equipment would be dismantled, loaded on a flatbed, and transported to Taft. The 30 foot trailer which serves as an office would be relocated to Taft. Both water tanks would be dismantled and removed. As a worst case scenario, all equipment and materials could be offered for salvage.

All tanks storing fuel are located above ground. All tanks and barrels would be removed from the site. Associated piping would be dismantled. The concrete containment would be demolished and removed to an appropriate off-site landfill. If any leakage has occurred, the soil would be excavated to the extent necessary and properly disposed.

There would be no water to dispose of after termination of mining. The two settling ponds would percolate in approximately 60 days. The water wells would be left intact for agricultural use and could be piped for irrigation if necessary.

All previous stream channel diversions have been removed and no additional diversions are planned.

After completion of mining activities, all pits would remain with a 3:1 slope (meets or exceeds SMARA requirements). However, it is anticipated that the Cuyama River would naturally infill the pits as was the case during the 1993 flood.

Two settling ponds for recycling water are located near the northern end of the property. Approximately 60,000 gallons of water per day are recycled in a closed system. The ponds would be backfilled/graded to match surrounding topography after they have dried (approximately 60 days). Slopes would be no greater than 3:1. Similar reclamation standards as proposed for the final pit would be followed. The river would provide natural reclamation of the area. Revegetation would be conducted similar to other areas being reclaimed.

Revegetation would be conducted on the upland areas of the river terrace and floodplains. Seeding of the riverbed itself is not proposed as it would be immediately washed out during the first season of precipitation. The revegetation would follow the requirements of the Revegetation Plan contained in the September 30, 1997, Reclamation Plan.

Revegetation would include re-use of the top six inches of soil that has been stripped during the initial mining of the surface material and seeding with select native plant species. Revegetation of the Phase I mining area would begin immediately upon completion of the mining in that area. Other areas of the property would be revegetated in accordance with the schedule included in the Revegetation Plan.

The density of vegetation specified in the Reclamation Plan would be monitored by a qualified biologist after revegetation to ensure compliance. Monitoring would be conducted quarterly for the first year and annually for subsequent years (see schedule in Revegetation Plan). Quarterly and annual reports would be submitted to the County.

Reclamation of Phase I mining activities would commence immediately upon initiating Phase II/III activities. Once all mining activity has been terminated, the disturbed area would be graded and contoured to reduce any slopes to a 3:1 grade. Heavy equipment work would take approximately 2 months. Activity may only be safe and possible in specific areas. If the weather causes a delay, activity would resume immediately upon drier conditions. Past experience indicates the river provides natural reclamation of the area.

Charles Beard, General Production Services, Inc. and Southwest Ready Mix, as operators of the Ventucopa Rock Plant by lease of the property from Mr. William Farry, accept responsibility for reclaiming the mined lands to their natural state in accordance with the September 30, 1997, Reclamation Plan. Mr. Farry has given written authorization to General Production Services, Inc. and RAM Environmental Engineering Services, Inc. to act in regards to the Reclamation 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 hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. Mitigation Measures from Negative Declaration 97-ND-27

Geology/Soils

2. The final slope of all reclaimed mining pits shall not exceed a 3:1 slope. All other areas shall match the natural topography (i.e. flat) as close as possible.

Plan Requirements and Timing: The regrading and backfilling of mining pits shall occur immediately after termination of mining of each phase.

MONITORING: Permit Compliance to periodically inspect the site to verify slopes in the reclaimed areas. County grading inspector shall verify 3:1 slope and its stability.

3. Prior to beginning mining in the Phase II and III areas, all topsoil to a depth of 6 to 8 inches shall be removed and stockpiled on the site for later use with revegetation activities during reclamation. The soil shall be stockpiled outside the high water mark of the Cuyama River and covered with a tarp and clearly labeled as topsoil.

Plan Requirements and Timing: The removal and stockpiling of the topsoil shall occur prior to initiation of mining in the Phase II/III area.

MONITORING: Permit compliance to verify stockpiling prior to initiation of mining in the Phase II/III area.

4. Within six (6) months of final mine closure, all unused stockpiled sand and gravel product (not topsoil) shall be sold or used to backfill the reclaimed mining pits.

Plan Requirements and Timing: All stockpiled material shall be removed within six (6) months of final mine closure.

MONITORING: Permit Compliance to verify removal six (6) months after final mine closure.

Air Quality

5. All stockpiled material that is not sold to the public (unusable sand and gravel) shall be covered with a tarp.

Plan Requirements and Timing: The tarp shall be placed on the topsoil immediately after the placement of the first stockpiled material.

MONITORING: Permit Compliance shall monitor plant cover and watering during site visits.

6. All reclaimed areas shall be revegetated in accordance with the biological mitigation measures and the September 30, 1997, Reclamation Plan.

Plan Requirements and Timing: Reclaimed areas shall be revegetated in accordance with the schedule contained in the September 30, 1997, Reclamation Plan.

MONITORING: Permit Compliance to regularly monitor and status reports to be submitted by applicant per the biological mitigation measures.

Biology

7. The October 1994 biological survey shall be updated in Spring 1998 by a qualified biologist. The survey shall be submitted and approved by Planning and Development prior to initiation of mining in Phases II and III. The Spring 1998 survey shall determine if faunal uses and locations have changed, and shall contain a full description of the flora observed. Particular emphasis shall be placed on locating Hoover's woollystar, California jewelflower, and San Joaquin woolly-thread populations. Any additional mitigation measures identified in the study

shall be implemented, including relocation of the plants and/or collection of seeds for revegetation purposes.

Plan Requirements and Timing: The updated biological study shall be submitted to P&D prior to initiation of mining for Phase II or III. The Land Use Permit (LUP) shall not be issued for the mining of Phases II/III until the updated study is submitted and approved.

MONITORING: P&D to review updated biology study and enforce applicable mitigation measures prior to issuance of the LUP for Phases II/III.

8. Revegetation of the mined areas shall commence upon the termination of mining in each Phase. Revegetation of all phases shall be conducted in accordance with the requirements of the August 18, 1997, revegetation plan prepared by MH Wolfe and Associates, including quarterly and annual reporting requirements. Revegetation requirements may change pending the Spring 1998 biological survey update. Mediterranean grass (*Schismus arabicus*) shall not be included in the revegetation seed mix.

Plan Requirements and Timing: Landscape plans shall be reviewed and approved by Planning and Development prior to revegetation of each phase. Revegetation shall be ongoing as mining in each phase is terminated. Progress reports shall be submitted to Planning and Development following the schedule outlined in the revegetation plan, modified as necessary by the Spring 1998 biological survey update.

MONITORING: Permit Compliance to monitor progress of revegetation of the site in accordance with the August 18, 1997, revegetation plan , modified as necessary by the Spring 1998 biological survey update, and in accordance with approved landscape plans.

9. If Kit Foxes move into the Phase II and III areas as determined in the Spring 1998 biological survey, a qualified biologist shall supervise monitoring and hand excavation of all potential and known Kit Fox dens that are located within these areas and subject to disturbance. All abandoned and open ended pipes that are potential dens and that would be disturbed shall be inspected and monitored prior to removal.

Plan Requirements and Timing: If Kit Fox dens are found on the site, the biologist shall relocate the animals in accordance with State adopted procedures prior to beginning work in Phases II/III.

MONITORING: Permit Compliance to monitor work of biologist, if necessary.

10. Lands that are immediately adjacent to active mining areas and those areas that are not subject to or part of the mining area shall be avoided. Boundaries of each phase and the access roads shall be clearly marked to confine and delineate the work areas. No work shall occur outside these areas. Access roads shall be clearly marked and signs posted that off-road driving is prohibited. Where possible, fences and gates should be used to prevent unauthorized access.

Plan Requirements and Timing: All work areas and access roads shall be clearly marked.

MONITORING: Permit Compliance to verify delineation of work areas and access roads.

11. A qualified biologist shall present an Endangered Species Education Program (ESEP) course to all on-site personnel that will inform personnel about sensitive resources and proper mitigation procedures to follow to ensure that sensitive species and their habitats are not impacted or adversely impacted during mining and reclamation activities. Subcontractors shall be required to comply with all requirements by terms and conditions of their contracts.

Plan Requirements and Timing: Training shall occur immediately after approval of the reclamation plan. A list of personnel trained, the dates trained, and subject matter covered shall be submitted to P&D within 6 months of approval of the reclamation plan.

MONITORING: P&D to review and file training information.

12. The project speed limit shall be limited to 15 mph to protect sensitive resources. The speed limit shall be posted and enforced at all times. Such speeds will reduce fugitive dust which may have an adverse impact on air, vegetation, and safety.

Plan Requirements and Timing: The speed limit signs shall be posted prior to beginning work in Phases II/III.

MONITORING: Permit Compliance shall verify installation of signs.

13. The use of herbicides, pesticides, or rodenticides shall be reviewed and approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Plan Requirements and Timing: Prior to use of any herbicide, pesticide, or rodenticide, a permit to use these substances shall be submitted to Planning and Development.

MONITORING: P&D to review and file permits.

14. Hoover's woollystar populations shall be avoided. These areas shall be identified in the Spring 1998 biological study update and marked by a biologist and fenced off.

Plan Requirements and Timing: The areas shall be fenced prior to beginning work in the Phase II/III areas.

MONITORING: Permit Compliance shall verify installation of fencing.

15. Open trenches, staging areas, and construction equipment shall be checked for trapped and hidden sensitive animal species prior to daily operations, periodically during mining, and just prior to backfilling trenches, pits, etc. Animals found in trenches or pits shall be removed to a safe location by a qualified biologist and released unharmed using agency approved techniques.

Plan Requirements and Timing: Employees shall be made aware of this requirement through signs posted on the property and in the main office.

MONITORING: Permit Compliance shall verify installation of signs.

16. Trash from operation of the facility shall be collected daily and removed from the site on a regular basis so as not to attract Kit Foxes and other sensitive species to the site. Food and other litter shall be placed in closed containers until the day of regularly scheduled solid waste pick-up.

Plan Requirements and Timing: Prior to beginning work in Phases II/III, a plan showing collection locations and solid waste pick-up dates shall be submitted.

MONITORING: P&D to review and approve solid waste collection locations.

17. Intentional killing of wildlife or the collection of either rare/endangered plants or wildlife is prohibited. No intentional damage to vegetation outside of the approved mining areas shall be permitted.

Plan Requirements and Timing: Employees shall be made aware of this requirement through training and posting of signs on the property and in the main office.

MONITORING: Permit Compliance shall verify installation of signs.

18. After completion of mining, the site shall be regraded and reclaimed in accordance with the September 30, 1997, Reclamation Plan.

Plan Requirements and Timing: Reclamation shall follow the schedule contained in the September 30, 1997, Reclamation Plan.

MONITORING: Permit Compliance shall verify reclamation of the site through regular site visits.

Aesthetics

19. All above ground structures associated with the actual mining operations shall be removed from the site.

Plan Requirements and Timing: The equipment shall be removed from the site within six (6) months of final mine closure.

MONITORING: Permit Compliance shall verify removal of equipment.

Risk of Upset

20. All fuel and oil storage tanks and associated piping shall be removed from the site, and the concrete containment area shall be demolished and removed to an appropriate off-site landfill.

Plan Requirements and Timing: The equipment shall be removed from the site within six (6) months of final mine closure.

MONITORING: Permit Compliance shall verify removal of equipment.

21. Hazardous materials, fuels, lubricants, and solvents that are accidentally spilled during mining operations shall be cleaned up and/or removed from the site immediately in accordance with State and County regulations. If the soil around the tank storage area has been contaminated by hazardous or toxic materials, the area shall be remediated in accordance with State and County regulations.

Plan Requirements and Timing: Any contamination shall be evaluated in a Phase I environmental assessment and remediated in accordance with the report.

MONITORING: The Fire Department shall inspect area to determine if remediation is required and shall follow-up on appropriate clean-up procedures.

22. The operator shall fence all depressions and areas where ponding of water may occur above the ordinary high water mark until such time as the depressions are completely filled in and no longer pose a nuisance and safety hazard to the public.

Plan Requirements and Timing: The areas shall be fenced immediately after final closure of the mine. However, the Phase I mining area shall be fenced sooner at such time that groundwater levels rise and standing water occurs in the reclaimed Phase I pit.

MONITORING: Permit Compliance shall monitor through the annual inspection program.

III. Project Specific Conditions

23. All mining shall cease by the end of 2003 unless extended due to delays caused by flooding. In no case shall the cumulative amount of actual mining exceed five (5) years. In the event that the applicant anticipates mining operations to continue for more than five (5) years, the applicant shall apply for an extension of the Reclamation Plan. Extensions may be granted by the Planning Commission in annual increments as determined by the Commission.

IV. Conditions Unique to Reclamation Plans

24. All reclamation shall comply with the County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code).
25. The conceptual financial assurance shall be approved by the State Office of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of this plan and financial assurance, the applicant shall post a performance security with Planning and Development for the full amount of the approved financial assurance 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. 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 Planning and Development and County Counsel staff prior to posting the security. Security shall remain in effect through completion of reclamation.

26. 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 Planning and Development, 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.
27. Planning and Development 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 Planning and Development. Upon completion of reclamation, 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 conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.
28. Site inspections to verify ongoing reclamation in conformance with the approved reclamation plan shall be scheduled annually. The applicant shall pay the cost of any required annual inspections by Planning and Development 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 (60) days of the due date shall constitute grounds for revocation of the reclamation plan by the Planning Commission and cessation of mining operations.
29. If, after conducting the inspections required under condition no. 28, Planning and Development 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, Planning and Development shall notify the mining operator and the Planning Commission of the continuing failure to comply. Planning and Development 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, Planning and Development

shall declare all or part of the performance security for reclamation forfeited in accordance with the security's provisions and state law.

30. Within sixty (60) days of final reclamation plan approval, the applicant shall execute and record an agreement, subject to Planning and Development 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.
31. 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.
32. Prior to beginning work in the Phase II/III area, all permits from the U.S. Army Corp. of Engineers and the State Department of Fish and Game shall be obtained.
33. Within twelve (12) months of the cessation of operations, notwithstanding the idle mine provision in SMARA Section 2727, final reclamation shall be completed in accordance with the approved reclamation plan.
34. The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the State Geologist and Planning and Development on a date established by the State Geologist and upon forms furnished by the State Mining and Geology Board pursuant to Public Resource Code Section 2207.
35. Within ninety (90) days of a surface mining operation becoming idle, as defined in Section 2727.1 of 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 approved Reclamation Plan. Upon expiration of the interim management plan, the surface mining operation shall commence reclamation in accordance with its approved Reclamation Plan.

V. County Rules and Regulations

36. 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 Land Use Permit from Planning and Development. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Land Use Permit will be issued by Planning and Development, 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 Planning and Development.

37. Compliance with Departmental letters:

None.

38. 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 attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. 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.

39. 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 which action is brought within the time period provided for by law, 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 County and substitute conditions may be imposed.

40. Prior to issuance of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.

41. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an onsite pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
- c. Pay fees prior to approval of Land Use Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants, when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project

into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

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