

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Lompoc Stone Vesting Determination Project

Hearing Date: January 11, 2017

Staff Report Date: January 3, 2017

Case No.: 16DET-00000-00004

Environmental Document: CEQA Exemption 15270

Deputy Director: Peter Cantle

Division: Energy and Minerals

Supervising Planner: Errin Briggs

Supervising Planner Phone #: (805) 568-2047

Staff Contact: Joseph Dargel

Staff Contact Phone #: (805) 568-3573

APPLICANT:

Sepulveda Building Materials
Mike Wise
28092 Forbes Rd
Laguna Niguel, CA 92677
(949) 347-2163

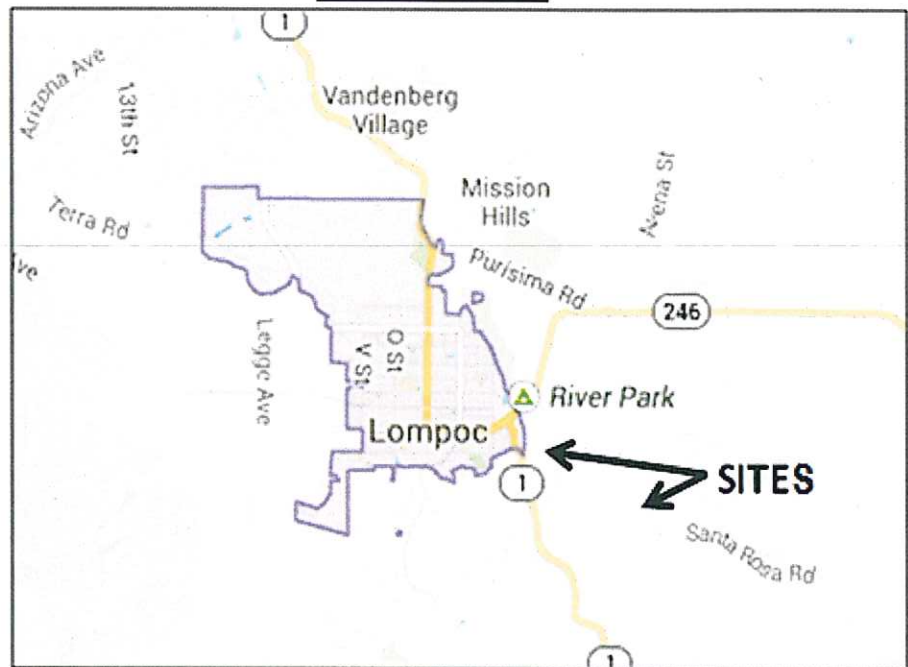
ENGINEER / AGENT:

Sid Goldstien, Civil Engineer
650 Alamo Pintado Rd, Ste. 302
Solvang, CA 93463
(805) 688-1526

PROPERTY OWNER:

Acin Trust
5199 E. Hwy 246
Lompoc, CA 93436

VICINITY MAP



The sites are identified as Portions of Assessor's Parcel Numbers 083-060-015 & 083-060-009 (Site 1A) and 083-070-018 & 083-070-010 (Site 1B), located north of Santa Rosa Road and east of State Route 1, in the Lompoc area, Fourth Supervisorial District

1.0 REQUEST

Hearing on the request of Sid Goldstien, agent for the Applicant, Sepulveda Building Materials, to consider Case No. 16DET-00000-00004 [application filed on June 9, 2010] for a vesting determination of the Lompoc Stone mining operation, in compliance with County Land Use and Development Code Section 35.82.160.D-2 (Vested Rights). The application involves AP Nos. 083-060-015 & 083-060-009 (Site 1A) and 083-070-018 & 083-070-010 (Site 1B), located north of Santa Rosa Road and easterly of State Route 1, in the Lompoc area, 4th Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and deny Case No. 16DET-00000-00004 based upon the inability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for denial of the project specified in Attachment A of this staff report, including CEQA findings;
2. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270, included as Attachment B; and,
3. Deny Case No. 16DET-00000-00004.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings, conditions, and preparation of the appropriate environmental review.

3.0 JURISDICTION

The County has primary responsibility to implement the provisions of the Surface Mining and Reclamation Act (SMARA). (Pub. Resources Code § 2728; *Calvert v. County of Yuba* (2006) 145 Cal. App. 4th 613, 618.) Since 2006, vested rights determinations pursuant to SMARA to conduct a surface mining operation that is subject to the diminishing asset doctrine require a public adjudicatory hearing. (*Calvert, supra*, 145 Cal.App.4th at 625.) The County Land Use and Development Code (LUDC) does not specify a decision-maker for vesting determinations. However, pursuant to Section 35.80.020.A (Table 8-1) of the LUDC, the Planning Commission is the review authority for Surface Mining Permits and Reclamation Plans. Therefore, the Planning Commission is the appropriate review authority for a mining-related vesting determination.

4.0 ISSUE SUMMARY

The request is for a vesting determination for the right to mine a 28.5-acre area on parcel 083-060-009 (Site 1A). If approved, this determination would allow mining operations on a 28.5-acre area on parcel 083-060-009 (Site 1A) beyond the limits of reclamation identified in the Applicant's approved Reclamation Plan (90-RP-001) without a Conditional Use Permit (CUP); however, a revised Reclamation Plan would still be required. The Applicant is currently limited to mining the 96.5-acre area shown in Attachment C.

Ordinance 971, adopted September 29, 1958, established the requirement for a CUP for mining and reclamation activities in the County. It is unclear exactly when mining began at the subject site, but portions of the mine appear on 1956 aerial photographs and therefore, portions of mining pre-date the County's requirement for a CUP. The Applicant is now requesting a vesting determination for additional areas of mining. Case law related to vesting of mining operations within the State of California requires that, in order to make a vesting determination under the diminishing assets doctrine, a mine operator or owner must show with objective evidence that the area it desires to excavate was "clearly intended" to be excavated at the time the County's requirement for a CUP

was adopted in 1958. Absent the requested vesting determination, mining the additional 28.5 acre area would require a CUP in addition to a revised Reclamation Plan and appropriate environmental review.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Site 1A (APNs 083-060-015 & 083-060-009): AC, Commercial Agriculture Site 1B (APN 083-070-018 & 083-070-010): AC, Commercial Agriculture
Zoning District, Ordinance	Site 1A (APNs 083-060-015 & 083-060-009): AG-II-100 (Agriculture, 100-acre minimum parcel size); LUDC Site 1B (APN 083-070-018 & 083-070-010): AG-II-100 (Agriculture, 100-acre minimum parcel size); LUDC
Site Size	Site 1A (APNs 083-060-015 & 083-060-009): Mining and reclamation on 125 acres (96.5 approved acres plus 28.5 proposed acres) of a combined 560.19-acre site. Site 1B (APN 083-070-018 & 083-070-010): Processing, storage, and reclamation on 6.5 acres (3 approved acres plus 3.5 expanded acres) of a combined 426.62-acre site.
Present Use & Development	Site 1A: Mining excavation and reclamation of mined areas (96.5 acres); crop farming; cattle grazing. Site 1B: Materials processing with pole barn (3 approved acres plus 3.5 expanded acres); farm-employee dwelling.
Surrounding Uses/Zoning	North: Santa Ynez River, cattle grazing, vineyards, open space, AG-II-40 South: Cattle grazing, vineyards, row crops, open space, AG-II-100 East: Santa Ynez River, cattle grazing, vineyards, row crops, open space, AG-II-100 West: Imerys mining operation, open space, AG-II-100
Access	Santa Rosa Road
Public Services	Water Supply: Private wells Sewage: Employees use portable facilities; no permanent facilities Fire: County of Santa Barbara, Station #51, Burton Mesa Blvd. Police: County of Santa Barbara Sheriff's Department
Other	All affected parcels at sites 1A & 1B are under Williamson Act Contract for cattle grazing (72-AP-187)

5.2 Setting

Slope/Topography. The Site 1A (mining and reclamation) terrain is characterized by rolling hills. The elevation in the Santa Ynez River is approximately 100 feet above mean sea level (amsl); the elevation at the intersection of Highway 1 with Santa Rosa Road is about 270 feet amsl; and the highest point of elevation on the property is approximately 693 feet amsl. Within the previous and current rock removal areas, the slope of the terrain ranges from 2% to 50%. The current rock removal area has slopes in the range of 5-12% and faces south toward Highway 1. Site 1B (materials processing, storage, and reclamation) lays adjacent to Santa Rosa Road and has flat terrain with 0.5% slope.

Flora/Fauna. Mining occurs on portions of two (2) parcels that total 560.19 acres. These two parcels make up a portion of one legal lot known as the Acin Ranch. The overall 560.19-acre site includes areas that are very steep and heavily-wooded, and it includes portions of the Santa Ynez River. The 28.5-acre area that is proposed for vesting of mining consists only of heavily-grazed annual (non-native) grassland. The dominant and subordinate species in the proposed mining and reclamation area are exotic (non-native) annual grasses and forbs such as wild oat, rip gut brome, red brome, black mustard, and milk thistle. The overall 560.19-acre site contains areas of coastal sage scrub, oak woodland, and riparian habitat along the river, but these relatively undisturbed, high-quality habitats would not be impacted by the project.

Archaeological Sites. The project site is adjacent to the Santa Ynez River in an area known to have been historically inhabited by the Chumash. A recorded archaeological site is located within one mile of the project site, near the river. Another recorded site exists to the west of proposed mining and reclamation activities. A 2010 Phase I survey performed by a County approved archaeologist found that the area now proposed for mining is beyond the limits of a cultural site and does not contain potentially significant cultural resources. However, there is a recorded archaeological site nearby and mitigation measures would be required to prevent equipment from entering the nearby site.

Geology/Soils. No active or potentially active seismic faults are present. The site contains three geologic designations: QA – Quaternary Alluvium (valley and flood plain deposits of silt, sand, and gravel); TM – Monterey Shale upper shale unit (white weathering, thin-bedded, hard, brittle, siliceous shale); TML - Monterey Shale lower shale unit (white weathering, soft, punky, fissile to platy, semi-siliceous shale). Approximately a third of the parcel has prime agricultural soils; however, mining operations are not occurring or proposed in these areas.

Land Uses. Site 1A: In addition to the rock removal mining operation, the overall 560.19-acre site is primarily used for cattle grazing and farming and has been under Williamson Act contract since 1972. Surrounding uses are as follows: West - Imerys mining operation; North/ East - Santa Ynez River, cattle grazing, vineyards, open space; South - Cattle grazing, open space. Site 1-B is surrounded by open space and wildlife habitat and is also under Williamson Act contract.

Existing Structures. Site 1A - A mobile home used for a farm worker's residence is the only structure on the site. No structures are located within mining areas. Site 1B - Two structures are

located on the site: a farm worker's mobile home and a pole barn. Both structures are used for agricultural operations. The mining operation also uses the pole barn as a staging area for storage of excavated material and tool/ equipment storage area.

5.3 Description

Sepulveda Building Materials currently operates the Lompoc Stone mine at Santa Rosa Road and Highway 1 in the Lompoc area. The current activities are vested and covered by an approved Reclamation Plan, 90-RP-001. The Reclamation Plan identifies two distinct areas: 1A is the mining area, and 1B is the processing and storage area. The current Reclamation Plan shows area 1A within a portion of AP Nos. 083-060-015 and 083-060-009. Area 1B is within AP Nos. 083-070-018 and 083-070-010. Although numerous Assessor's Parcels are shown within the Acin Ranch, the entire ranch constitutes a single legal parcel. This is documented in a Certificate of Compliance recorded as 2015-0063182.

Sepulveda Building Materials is requesting a Vested Rights Determination for mining within the single legal parcel known as the Acin Ranch. The request for vested mining activities consists of 28.5 acres on APN 83-060-009, which adjoins the existing vested mining activities.

5.4 Background Information

1956: Earliest record of mining at the site, as noted in aerial photos.

September 29, 1958: Passage of County Ordinance 971, required a CUP for mining activities.

January 1, 1976: Implementation of the Surface Mining and Reclamation Act (SMARA).

1985: Sepulveda Building Materials assumed control of mining and reclamation operations at the project site.

January 29, 1990: Sepulveda Building Materials submitted application for Reclamation Plan (90-RP-001) as required by SMARA and the Land Use and Development Code.

June 12, 1990: Sepulveda Building Materials entered into master lease with owner of Acin Ranch.

March 19, 1998: Sepulveda Building Materials amended existing 1990 lease to include APN - 009.

June 10, 1998: Planning Commission approved Reclamation Plan 90-RP-001 and recognized as vested by not requiring a Conditional Use Permit for 96.5 acres of mining on Site 1A (portions of parcels 083-060-015 and 083-060-009) and 3 acres for processing and storage on Site 1B (parcel 083-070-018). After the approval of Reclamation Plan 90-RP-001, the Applicant expanded the approved processing and storage area by an additional 3.5 acres without the benefit of permits.

June 9, 2010: Application submitted requesting expansion of the mine site to extend mining into 82 acres of parcel -009 and seeking to legalize the 3.5 acre as-built expanded processing and storage area with a Conditional Use Permit. A Mitigated Negative Declaration (MND) was developed and the project was scheduled for Planning Commission review on July 22, 2014. Prior to the hearing, legal counsel acting on behalf of a neighboring property owner, submitted comments on the MND. Upon review of these comments, County staff pulled the item from the Planning Commission agenda and requested that the Applicant complete an Environmental Impact Report for the project. On November 8, 2016, the Applicant reduced the scope of their request to include only the current vesting determination. If Lompoc Stone is determined to be vested to the 28.5 acres, environmental review along with a revised Reclamation Plan including these acres would be required. In preparing this Staff Report, staff found that the expanded 3.5 acres of the storage and processing area are vested and require an amendment to the Reclamation Plan to effectuate the vesting.

6.0 PROJECT ANALYSIS

On September 29, 1958, the County adopted Ordinance 971, which first required a Conditional Use Permit (CUP) for mining activities. Aerial photos document that certain mining activities at the Lompoc Stone site commenced prior to 1958 and pre-date the requirement for a CUP. Reclamation Plan 90-RP-001 for the area currently being mined was approved in 1998 and requires reclamation of mined areas as mining operations continue advancing southwest on parcel 083-060-015 (Site 1A), which is within the Acin Ranch. Based on existing approvals, the Applicant is currently limited to mining the 96.5-acre area shown in the approved Reclamation Plan 90-RP-001. Exhibits from the Reclamation Plan showing the approved mining boundary are included as Attachment C. The Applicant desires to expand mining activities to the east/northeast (exhibit included as Attachment D) in order to follow the “vein” of rock in which the desired material naturally occurs and requests a vesting determination which, if approved, would allow mining on an additional 28.5 acres on parcel 083-060-009 once a revised Reclamation Plan incorporating the additional acreage is in place.

Material currently extracted from the existing mining area is transported to a 6.5-acre processing and storage area on parcels 083-070-018 and 083-070-010 (Site 1B), which are located approximately two miles away on Santa Rosa Road on separate parcels within the Acin Ranch. Although numerous Assessor’s Parcels are shown within the Acin Ranch, the entire ranch constitutes a single legal lot, which is documented in a Certificate of Compliance recorded as 2015-0063182. Establishment and use of the original 3-acre site within the 6.5-acre processing and storage area also pre-dates the County’s requirement for a CUP. After the 1998 Reclamation Plan 90-RP-001 approval, the processing and storage area was expanded by 3.5 acres without the benefit of an amended Reclamation Plan. Site 1B currently encompasses 6.5 acres. Regardless of the outcome of this vesting determination (that is, the request for 28.5 additional acres for mining), to rectify the unauthorized expansion of the storage and processing area, the Applicant will be required to amend their Reclamation Plan to include the additional 3.5 storage and processing acres.

The 28.5 acres proposed to be mined on parcel -009 are beyond the limits of the existing Reclamation Plan. Absent the requested vesting determination, mining the additional 28.5 acre area would require a CUP, a revised Reclamation Plan, and appropriate environmental review. Even if a vesting determination is made, a revised Reclamation Plan and appropriate environmental review would still be required.

Although courts generally follow a strict policy of banning the extension or enlargement of a vested or non-conforming use, an exception specific to mining enterprises allows the expansion of operations if certain requirements are met. (*Hansen Bros. Enterprises, Inc. v. Board of Supervisors of Nevada County* (1996) 12 Cal.4th 533, 571-572.) Under the “diminishing asset” doctrine, a vested right to surface mine in an expanded area can be found; however, the owner “must show that the area it desires to excavate was ‘clearly intended’ to be excavated – as measured by objective manifestations, not subjective intent – when the vested rights trigger of a new law was pulled.” (*Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 625)

In the present case, the diminishing assets doctrine requires Lompoc Stone to have manifested an objective intent to mine the 28.5-acre area on APN -009 prior to the 1958 adoption of County Ordinance 971. As discussed below, staff does not believe that the evidence cited by the Applicant demonstrates a clear objective intent.

In support of their vesting request, the Applicant provided multiple documents, including a 1954 USGS map, historic aerial photos, a declaration from Frank Acin and a letter from Larry Acin, owners of the subject property, and a declaration from Don Lee, son of Buster (Henry) Lee, who operated the stone quarry prior to 1974, County and Department of Conservation documents, and the Applicant’s March 19, 1998 amendment to their lease agreement. Each of these is discussed below.

- **1954 USGS map (Attachment E):** This map provides insufficient detail to support a vesting conclusion; it portrays a small pickax as a mining symbol in the area of the property but provides no evidence regarding the requested 28.5-acre area or any information regarding parcel -009.
- **Aerial photos (Attachment F):** These photos show that materials have been continuously removed from portions of APN -015 since 1956 and sporadically from portions of APN -009 (the parcel containing the desired 28.5-acre expansion) since 1961, not pre-1958 as required to establish vested rights for the requested area under the diminishing asset doctrine. The Applicant has not submitted any other photographs demonstrating that the 28.5-acre area was mined pre-1958.
- **Declaration of Frank Acin (Attachment G):** This document discusses use of the site since 1971 and states that, “One can see from the site where Sepulveda Building Materials is working that the surrounding area still shows some evidence of the old mining operations”. The declaration does not contain any objective evidence regarding the requested 28.5-acre area on APN -009, pre-1958.
- **Letter from Larry Acin (Attachment H):** This letter discusses knowledge of -009 after the time Mr. Acin’s father purchased the property (1971) and states that, “Prior to 1971, I was also aware of these rock operations, but not as specifically. Since I have been

involved in farming my whole life in this area, I knew of the mining on both of these properties back to my teen years. I can say that I personally saw rock being taken specifically from parcel 009. My father mentioned on numerous occasions that he knew rock was removed from parcel 009 since his earlier years farming in the area in the 50's to 70's." Mining on portions of -009 has already been determined to be vested according to 90-RP-001. This letter does not contain any objective evidence regarding the requested 28.5-acre area on APN -009 pre-1958.

- **Declaration of Don Lee (Attachment I):** The declaration discusses Mr. Lee's father's quarry business at the same site as Sepulveda Building Materials and that he remembers, "the first rock that I split as a youngster back in 1956 and at 14-15, I remember getting stone out of the quarry that we are now in, loading it by hand onto our pick-up truck." This letter does not contain any objective evidence regarding the requested 28.5-acre area on APN -009, pre-1958. There is no discussion regarding the specific location of any activities other than "the quarry that we are now in"; however, that cannot be applicable to the requested 28.5-acre area on APN -009 as mining has not yet been expanded to that area.
- **Documents from the County and Department of Conservation (Attachment J):** These documents provide insufficient detail to support a vesting conclusion for the requested 28.5-acre area; they indicate a vested mining operation, but refer specifically to portions of parcels -015 and -009, as identified in Reclamation Plan 90-RP-001. The documents do not discuss any activities pre-1958 and provide no evidence regarding the requested 28.5-acre area.
- **March 19, 1998 lease amendment (Attachment K):** The Applicant provided a March 19, 1998 amendment to their lease agreement which was originally executed on June 12, 1990. The amendment augmented the lease to include APN -009, and granted the Applicant the right to remove rocks and stones from the requested 28.5-acre area. This serves as evidence that the Applicant did not have a lease to mine APN -009 until March 19, 1998. Furthermore, the 28.5-acre area that is now requested to be considered for vesting was not included under the Reclamation Plan 90-RP-001 approved in 1998, indicating there was no objective intent to expand into this area even in 1998.

On the basis of the above analysis, there is no evidence in the record that demonstrates an objectively manifested intent to subject the requested portion of APN -009 to mining at the time Ordinance 971 was enacted in 1958. Because the Applicant has not provided sufficient evidence to support a determination that a vested right exists to expand mining operations, staff believes the required findings cannot be made. Staff therefore recommends denial of the vesting determination request.

6.1 Environmental Review

Denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. For further details, please see Attachment B, Notice of Exemption.

6.2 Consistency with Land Use and Development Code

Mining and extraction of natural resources is a conditionally allowed use in the AG-II District pursuant to Section 35.21.030 of the LUDC, and subject to the provisions of Section 35.82.160 (Reclamation and Surface Mining Permits). Processing of excavated materials is also allowed, if accessory to mining pursuant to LUDC Section 35.21.030 (Agricultural Zones Allowable Land Uses). The approved area to be mined, as identified in Reclamation Plan 90-RP-001, is considered vested and is therefore consistent with the LUDC. Mining has not expanded beyond the approved Reclamation Plan (90-RP-001) boundaries, and therefore, the mining use remains in conformity. However, the unpermitted expansion of the storage and processing area by 3.5 acres is in violation of the LUDC as it requires an amendment to the Reclamation Plan.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$659.92.

ATTACHMENTS

- A. Findings for Denial
- B. CEQA Exemption
- C. Site Plans – Approved Mining Boundary (90-RP-001)
- D. Site Plans – Proposed Mining Boundary
- E. USGS Map
- F. Historic Aerial Photos
- G. Declaration of Frank Acin
- H. Letter from Larry Acin
- I. Declaration of Don Lee
- J. County and DOC Documents
- K. March 19, 1998 Lease Amendment

ATTACHMENT A: FINDINGS FOR DENIAL

1.1 CEQA FINDINGS

1.2 CEQA EXEMPTION

The Planning Commission finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see Attachment B, Notice of Exemption.

2.0 VESTED RIGHTS FINDINGS

Only findings that cannot be made are discussed below:

2.1 *“Pursuant to the diminishing asset doctrine, the area the Applicant desires to be excavated was clearly intended to be excavated at the time the permit requirement went into effect.”*

As discussed in the Staff Report dated January 3, 2017, herein incorporated by reference, this finding cannot be made because the objective evidence does not support that the areas requested to be vested were clearly intended to be excavated prior to the September 29, 1958 adoption of Ordinance 971 which established the requirement for a Conditional Use Permit (CUP) for mining and reclamation activities in the County.

ATTACHMENT B: CEQA – NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Joseph Dargel, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APNs: 083-060-009, 083-060-015,
083-070-010, & 083-070-018

Case No.: 16DET-00000-00004

Location: 2195 Santa Rosa Road, Lompoc, CA

Project Title: Lompoc Stone Vesting Determination Project

Project Applicant:

Sepulveda Building Materials
28092 Forbes Rd
Laguna Niguel, CA 92677

Project Description:

Sepulveda Building Materials currently operates the Lompoc Stone mine at Santa Rosa Road and Highway 1 in the Lompoc area. The current activities are vested and covered by an approved Reclamation Plan, 90-RP-001. The Reclamation Plan identifies two distinct areas: 1A is the mining area, and 1B is the processing and storage area. The current Reclamation Plan shows area 1A within a portion of AP Nos. 083-060-015 and 083-060-009. Area 1B is within AP Nos. 083-070-018 and 083-070-010. Although numerous Assessor's Parcels are shown within the Acin Ranch, the entire ranch constitutes a single legal parcel. This is documented in a Certificate of Compliance recorded as 2015-0063182.

Sepulveda Building Materials is requesting a Vested Rights Determination for mining within the single legal parcel known as the Acin Ranch. The request for vested mining activities consists of 28.5 acres on APN 83-060-009, which adjoins the existing vested mining activities.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Sid Goldstien, Civil Engineer

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Lompoc Stone Vesting Determination Project
Case No. 16DET-00000-00004
Hearing Date: January 11, 2017
Page B-2

Cite specific CEQA and/or CEQA Guideline Section: Section 15270, which exempts projects that are disapproved.

Reasons to support exemption findings: CEQA Section 15270 states that “CEQA does not apply to projects which a public agency rejects or disapproves.” The Planning Commission’s decision to deny the requested vesting determination is thus exempt from CEQA.

Lead Agency Contact Person: Joseph Dargel Phone #: (805) 568-3573

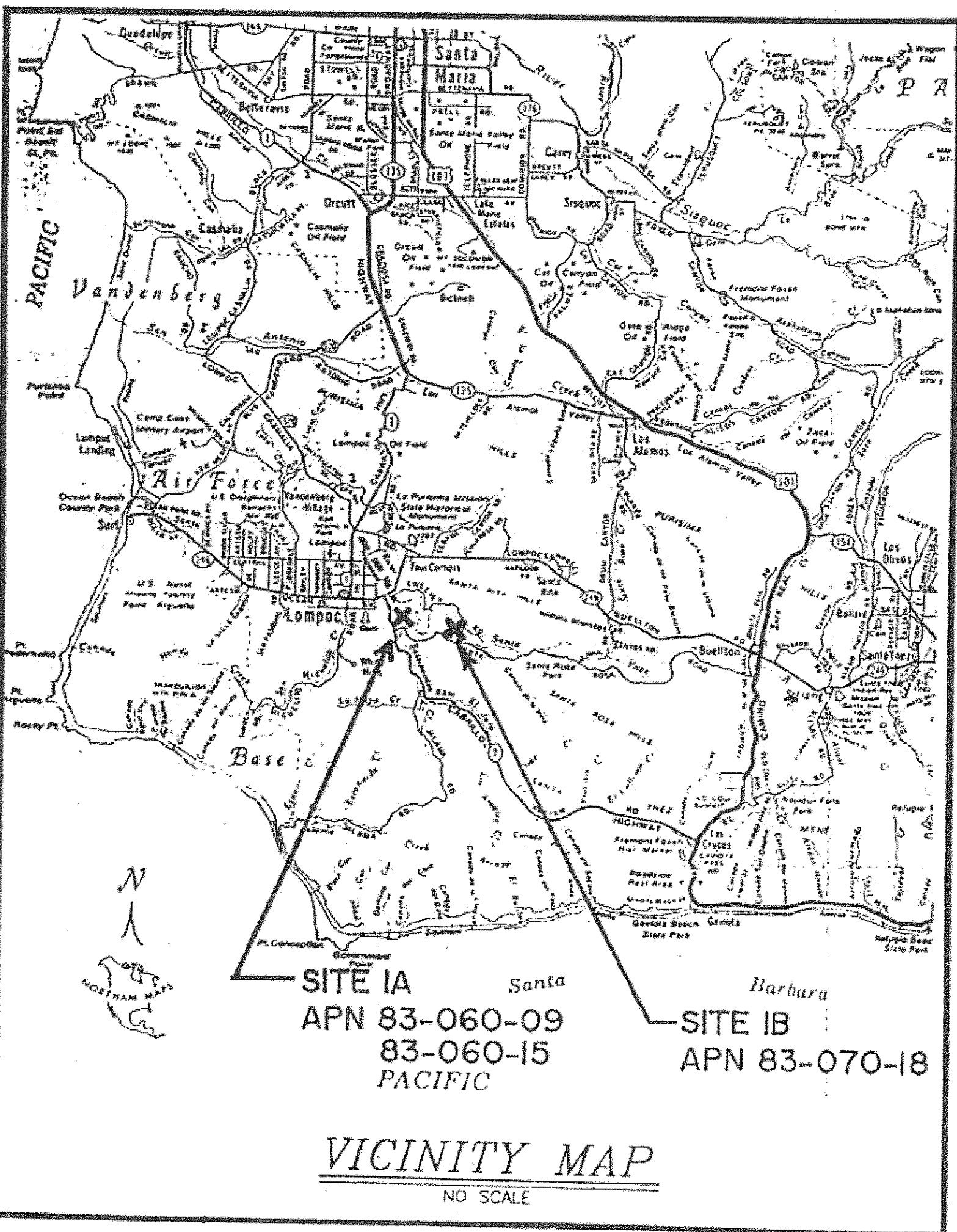
Department/Division Representative: _____ Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____

ATTACHMENT C:
SITE PLANS – APPROVED MINING BOUNDARY (90-RP-001)

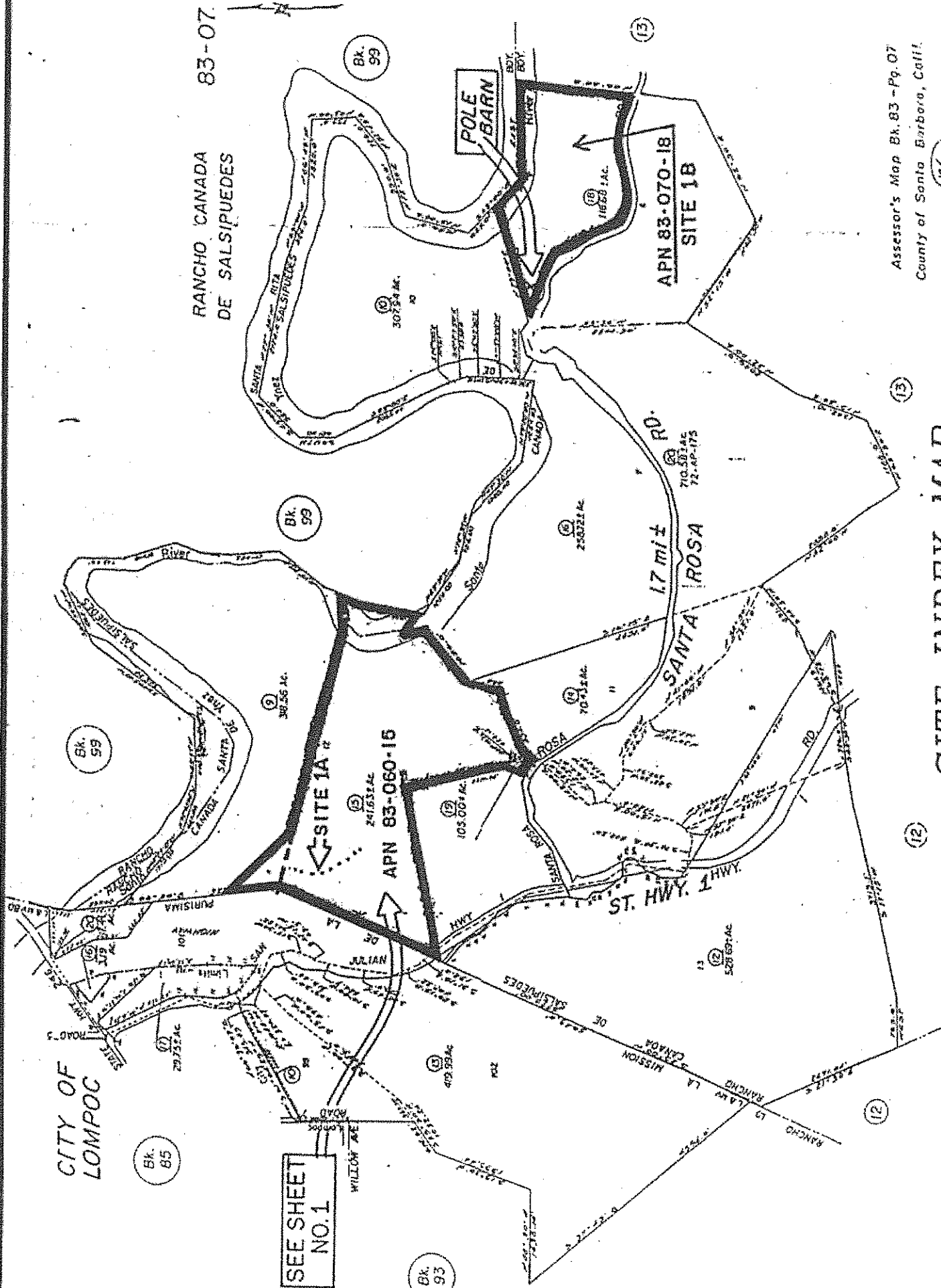


SITE IA
 APN 83-060-09
 83-060-15
 PACIFIC

SITE IB
 APN 83-070-18

VICINITY MAP

NO SCALE

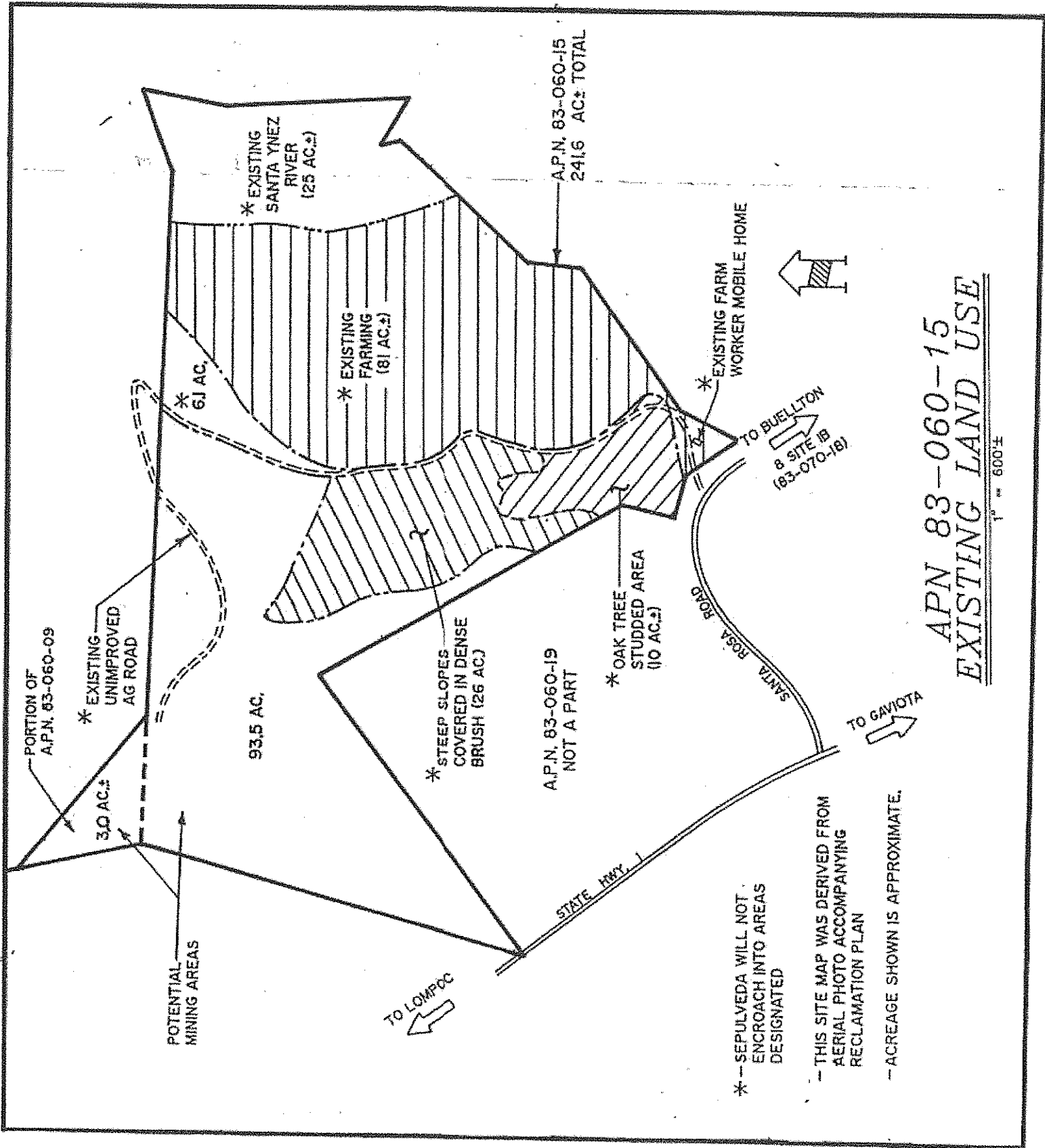


Assessor's Map Bk. 83 - Pg. 07
 County of Santa Barbara, Calif.

17/2

SITE INDEX MAP

1" = 1,400'



**APN 83-060-15
EXISTING LAND USE**

1" = 600'

PORTION OF
A.P.N. 83-060-09

* EXISTING
UNIMPROVED
AG ROAD

3.0 AC.±

POTENTIAL
MINING AREAS

93.5 AC.

* 6.1 AC.

* EXISTING
SANTA YNEZ
RIVER
(25 AC.±)

* EXISTING
FARMING
(81 AC.±)

* STEEP SLOPES
COVERED IN DENSE
BRUSH (26 AC)

A.P.N. 83-060-19
NOT A PART

* OAK TREE
STUDED AREA
(10 AC.±)

A.P.N. 83-060-15
241.6 AC± TOTAL

* EXISTING FARM
WORKER MOBILE HOME

TO BUELLTON
8 SITE 1B
(83-070-1B)

TO GAVIOTA

STATE HWY. 1

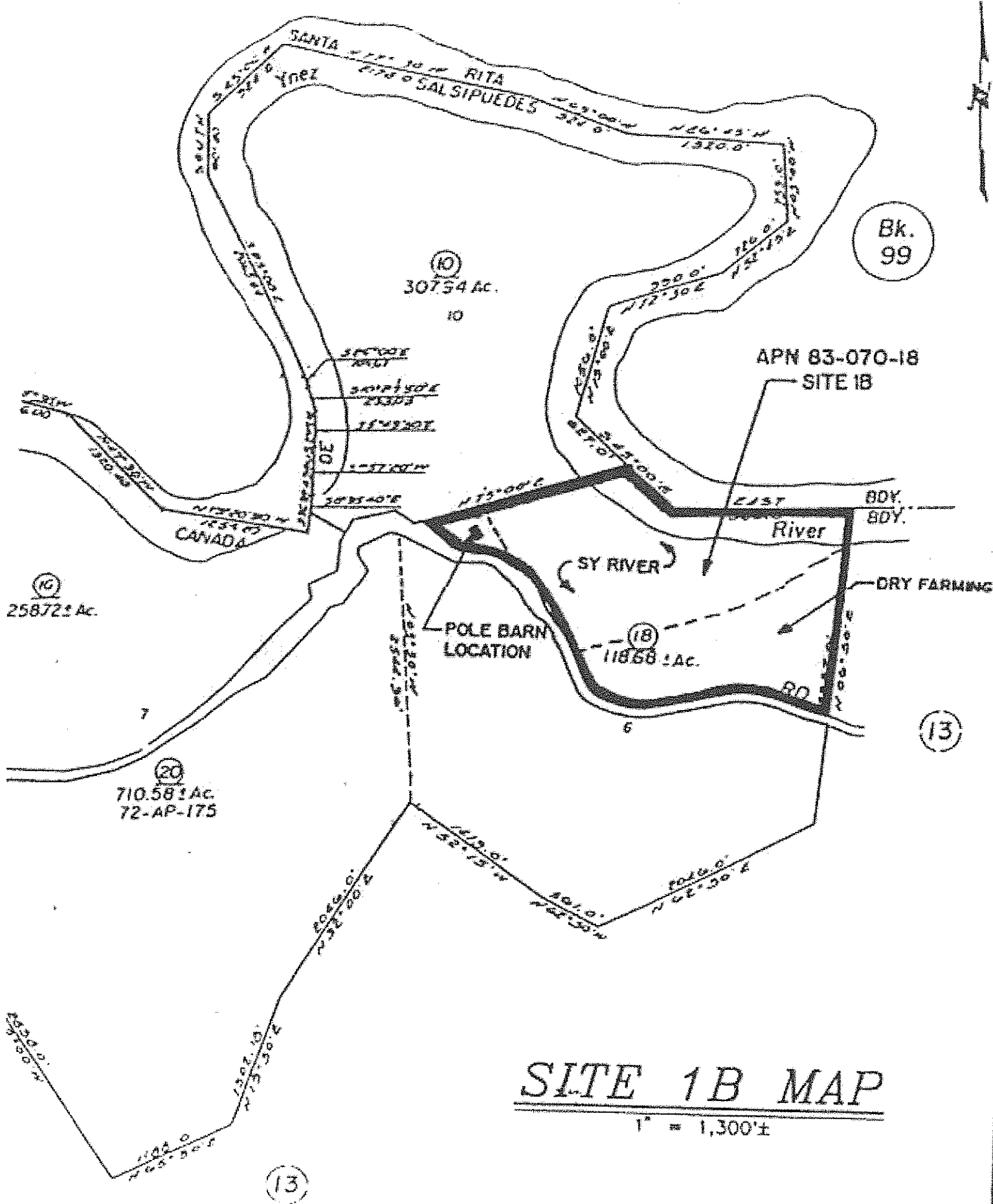
SANTA ROSA ROAD

TO LOMPOC

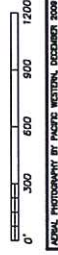
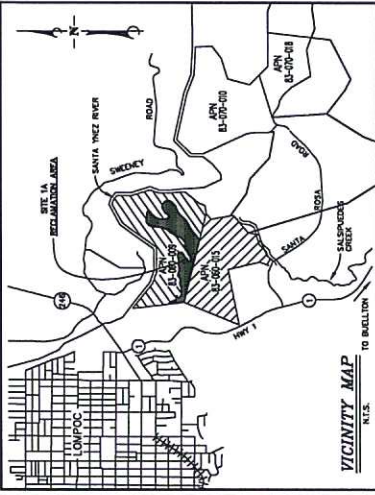
* -- SEPULVEDA WILL NOT
ENCROACH INTO AREAS
DESIGNATED

-- THIS SITE MAP WAS DERIVED FROM
AERIAL PHOTO ACCOMPANYING
RECLAMATION PLAN

-- ACREAGE SHOWN IS APPROXIMATE.



ATTACHMENT D:
SITE PLANS – PROPOSED MINING BOUNDARY



AERIAL PHOTOGRAPH BY PACIFIC WESTERN, DECEMBER 2000

REQUESTED VESTING DETERMINATION
28.5 ACRES

VESTING DETERMINATION
EXHIBIT

SEPUVEDA BLDG. MATERIALS - LOMPOC STONE, INC.
S.B. CASE #90-R-P-001
CALIFORNIA MINE I.D. #91-42-0011

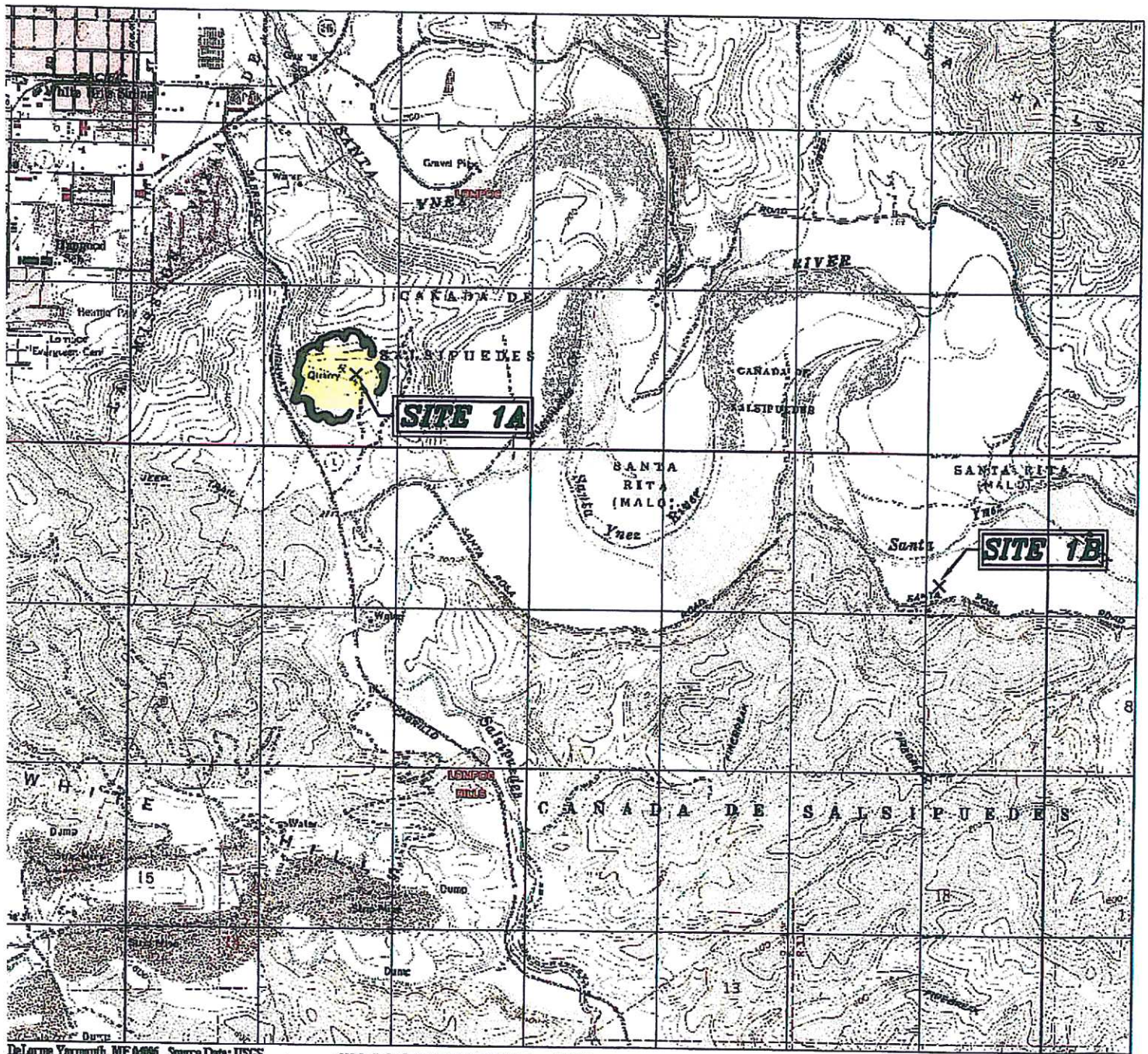
SID GOLDSTEN-CIVIL ENGINEER, INC.
PLANNING • DESIGN • STUDIES • RESIDENTIAL/COMMERCIAL DEVELOPMENT
650 ALAMO PARKWAY ROAD
SANTA BARBARA, CA 93103
PHONE: (805) 688-1524
FAX: (805) 688-6562
WWW: www.sjce.com

DATE: 2006/01/10
SHEET 1 OF 1



\\S:\PROJECTS\2006\0110\0110-01-001\0110-01-001-01-001.dwg 2006/01/10 10:00:00 AM

ATTACHMENT E:
USGS MAP



ATTACHMENT F:
HISTORIC AERIAL PHOTOS



1954



1956



1961



1966



1967



1968



1969



1974



1981





1989

ATTACHMENT G:
DECLARATION OF FRANK ACIN

DECLARATION OF FRANK ACIN

I, Frank Acin, hereby declare that:

To the best of my knowledge, the history of who has worked Parcel #083-060-15 where the quarry site is located and parcel #083-070-18 where the farm storage area and the pole barn are located is as follows: While I do not know the quantities of rock that were taken, I do know that since 1971 someone was always working the quarry site parcel and sometime there was more than one person working there at a time.

When I purchased the property in early 1971, Tommy Gann was on the site removing landscaping and paving stone. He was there until about August, 1972.

During this same period, 1971-1972, Buster Lee came in and also worked the site. He worked the site until his death in 1974.

Mr. Robb (known as Robbie) moved in to work the site in the fall of 1972 and stayed until approximately June, 1975.

About the same time that Mr. Robb left, Chuck Sturdevant moved in to work the site and was there until approximately December, 1977.

About the fall of 1977, maybe November, Al Green was working the quarry site and he was there until early 1985.

From February, 1985 to August, 1985 the site was worked by Harold Sims. When Sepulveda Building Materials came in about August, 1985, Mr. Sims was resentful of sharing the site and moved on.

Sepulveda Building Materials has been working the site from August, 1985 to present. All of the people that I know before Sepulveda came were individual operators doing small operations.

These small operators came with various kinds of equipment, from tractors to pick-up trucks, to dig some stone, break it up and haul it away.

One can see from the site where Sepulveda Building Materials is working that the surrounding area still shows some evidence of the old mining operations

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed this 8 day of Nov, 19 90 at
Lompoc, California.

Signed: Frank Acin

Printed: FRANK ACIN

Address: Box 114 RFD

City/State/zip Lompoc Ca. 93436

Phone: 736-1906

ATTACHMENT H:
LETTER FROM LARRY ACIN

October 1, 2007

Santa Barbara County
Planning and Development
624 West Foster Road
Santa Maria, CA 93455

Re: Lompoc Stone
Sepulveda Building Materials

To Whom It May Concern:

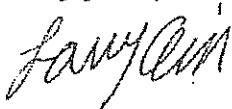
I am the owner of APN 83-070-009, 015 and 018, and the son of Frank Acin. This same property was first purchased by my father in 1971, although he was born in Lompoc in 1915 and lived in the area his entire life. My dad passed away in 2004, so I had many years with him telling me about the early years of Lompoc, farming in the region and some history. I was born in 1948 and have many recollections of direct experiences as well.

The reason for this letter is in response to a request from Lompoc Stone to provide my knowledge of any past rock mining operations on APN 83-070-009. At the time my father purchased this parcel I recall there being rock removal operations primarily along the ranch roads at the bottoms of slopes. Buster Lee and Al Green are two of the rock diggers who come to mind. This rock was removed differently from the larger holes dug on top of the mountain on the other parcel (015). Rather than dig a hole, the large rocks were basically pulled out from the side of the hill or dug off the surface. I don't recall there being large holes. This rock work continued until Sepulveda took over in 1990, when they concentrated more on the top of the mountain. I was involved in discussions and lease negotiations with my father and Sepulveda and always understood that it was our intent to have rock mining extend onto parcel 009, when appropriate. In 1990 we did, in fact, sign such a lease, since Sepulveda did find desirable material extending from its current mine on parcel 015 across the ranch road into parcel 009.

Prior to 1971, I was also aware of these rock operations, but not as specifically. Since I have been involved in farming my whole life in this area, I knew of the mining on both of these properties back to my teen years. I can say that I personally saw rock being taken specifically from parcel 009. My father mentioned on numerous occasions that he knew rock was removed from parcel 009 since his earlier years farming in the area in the 50's to 70's. After he purchased the ranch in 1971, I recall helping him take rock from parcel 009 to sell primarily for landscape projects.

Please let me know if further details are needed.

Sincerely yours,



Larry Acin

ATTACHMENT I:
DECLARATION OF DON LEE

DECLARATION OF DON LEE

I, Don Lee, hereby declare as follows:

I am the son of Buster (Henry) Lee who worked the stone quarry located at Highway 1 and Santa Rosa Road which is the same site as Sepulveda Building Materials is working now, with my father until he passed away in 1974.

I was raised in Lompoc and went to school there. I grew up knowing my father's quarry business from the time I was a small boy. I can remember the first rock that I split as a youngster back in 1956 and at 14-15, I remember getting stone out of the quarry that we are now in, loading it by hand onto our pick-up truck. I helped my dad in this rock business until his death.

I started work with Sepulveda Building Materials in June, 1982 and was transferred to run the operations of the Lompoc quarry in approximately November, 1984.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed this 8 day of Nov., 1990 at
Lompoc, California.

Signed: Don Lee

Printed: Don Lee

Address: 105 No. K St.

City/State/zip Lompoc Calif 93436

Phone: (805) 735-5461

ATTACHMENT J:
COUNTY AND DOC DOCUMENTS

DEPARTMENT OF CONSERVATION
Office of Mine Reclamation
Reclamation Unit
801 K Street, MS 09-06
SACRAMENTO, CA 95814-3529
PHONE: (916) 323-8567
FAX: (916) 322-4862
E-MAIL: omr@consrv.ca.gov

RECEIVED

DEC 16 1997

S. B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

Telecommunications
Device for the Deaf
(916) 324-2555

December 5, 1997

Barbara Shelton
County of Santa Barbara
Santa Barbara Resource Management
123 East Anapamu Street
Santa Barbara, CA 93101

Dear Ms. Shelton:

**Sepulveda Mining Reclamation Plan 90-ND-40, Acin Site #1
Initial Study/Draft Negative Declaration 97-ND-40
CA Mine Id #91-42-0011**

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Initial Study/Draft Negative Declaration 97-ND-40 for Sepulveda Mining Reclamation Plan 90-RP-01, Acin #1, the Staff Report for Sepulveda Mining Reclamation Plan and the Sepulveda Building Materials, Lompoc, Inc. "90-RP-001" Reclamation Plan. The project includes the removal of rock, stone, and surface shale materials from 68.5 acres near Lompoc. The site is a vested operation. Weather permitting, a site visit will be conducted on December 16, 1997. The following comments prepared by Karen Wiese are offered to assist in your review of the biological components of the project. Comprehensive site specific comments will be prepared following the site visit.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq., Article 9 Section 3700 et seq.) (copies enclosed) require that specific items be addressed or included in reclamation plans.

The following items were not adequately addressed in the document submitted; we recommend that the reclamation plan be supplemented to fully address these items.

End Land Use

(Refer to SMARA Section 2772(g),(h), CCR Sections 3704(e), 3706(a), 3707 (a),(c), 3708)

1.

SMARA Section 2772(c)(7) requires that the reclamation plan include a description of the proposed use or potential uses of the mined lands after reclamation. The reclamation plan states several potential end uses: open space, agriculture, and/or grazing. We recommend that a specific end use be chosen so that appropriate reclamation methods can use implemented.

2.

SMARA Section 2772(c)(8) requires a description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished. The reclamation plan provides cursory information regarding the revegetation of the site. Pursuant to CCR Section 3705, the reclamation plan should contain a revegetation plan with the following components:

- a. Discussion of baseline conditions, including cover, density, and species richness measurements.
- b. Establishment of baseline reference points against which to measure success of revegetation effort. CCR Section 3705(a) requires that the vegetative cover or density, and species-richness be sufficient to stabilize the surface against effects of long-term erosion and be similar to naturally occurring habitats in the surrounding area.
- c. Map of the area(s) to be revegetated.
- d. Preparation of land shaping, grading, and drainage plan for revegetation of the site.
- e. Evaluation of soil or growth medium, including need for soil amendments, fertilization, or mulching. CCR Section 3707(d) states that use of fertilizers or other soil amendments shall not cause contamination of surface or ground water.
- f. Discussion of the potential for and/or existing problems with invasive exotic species. CCR Section 3705(k) requires that noxious weeds be

managed when they threaten the success of the proposed revegetation; spread to nearby areas; and produce a fire hazard.

- g. Develop test plots that test the majority of native plants found on site; develop a final species mix of the majority of plants on site. CCR Section 3705(b) requires test plots to be developed if the success of the proposed revegetation technique has not been previously demonstrated.
- h. Description of the planting methods and the planting schedule. CCR Section 3705(h) requires that planting be conducted during the most favorable period of the year for plant establishment.
- i. Discussion of plant protection. CCR Section 3705(i) requires protection measures to be used when the success of revegetation efforts are threatened by grazing, trampling, herbivory, or other causes.
- j. Describe irrigation duration and frequency. CCR Section 3705(j) states that if irrigation is used, it must be demonstrated that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the financial assurances.
- k. Description of interim erosion control measures. CCR Section 3705(i) requires that soil stabilization practices be used where necessary to control erosion and for successful plant establishment.
- l. Address the responsibility for maintenance and monitoring during implementation.
- m. A reporting mechanism and reporting schedule. Describe the monitoring methods to be used after implementation and responsible parties. SMARA 2773(a) requires that a revegetation plan specific to property be prepared and include a monitoring plan. The monitoring plan should include frequency and duration of monitoring.
- n. Quantitative performance standards for plant cover, plant density, species richness, erosion control, and weed abatement. CCR 3705(m) requires that revegetation success be quantified by cover, density and species-richness. Standards must be proposed in the revegetation plan. The reclamation plan states that cover will be used as a success criteria. We recommend that density and species richness criteria be added. Density,

the number of plants per species, is useful in accessing tree establishment. Species richness, the number of different species, is useful in preventing the percent cover criteria being met by weeds. The sample method and sample size set forth in plan and sample size should provide an 80 percent confidence level, as a minimum.

- o. Description of remedial measures to be implemented if revegetation is not successful according to performance criteria.

**Environmental Setting and
Protection of Fish and Wildlife Habitat**

(Refer to CCR Sections 3502(b)(1), 3503(c), 3703 (a),(b),(c), 3704(g), 3705(a), 3706(a),(f),(g),
3710(a),(b),(c),(d), 3713(b))

3.

CCR Section 3710 establishes performance standards for stream protection, including surface and groundwater. We recommend that the California Department of Fish and Game be consulted to develop compliance measures for in-stream mining.

Resoiling and Revegetation

(Refer to SMARA Section 2773(a), CCR Sections 3503(a)(1),(f),(g), 3704(c),
3705(a),(b),(c),(d),(e),(f),(g),(h),(i),(j),(k),(l),(m), 3707(b),(d), 3711(a),(b),(c),(d),(e))

4.

CCR Section 3711(d) requires topsoil stockpiles to be clearly identified and protected from wind and water erosion. We commend the applicant for stockpiling topsoil. The reclamation plan should state how the piles will be protected from erosion. Seeding the topsoil stockpile with a legume or cereal is a suitable method for protection.

5.

CCR Section 3705(l) requires protection measures to be used when the success of revegetation efforts are threatened by grazing, trampling, herbivory, or other causes. We recommend that the reclamation plan be amended to include a provision for the exclusion of grazing from areas that will be revegetated.

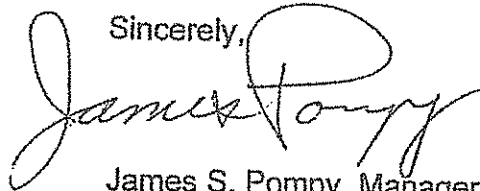
6.

The reclamation plan states that no oak trees will be removed. The reclamation plan should state how the trees will be protected during mining. For example, the plan should include information regarding buffers and construction flagging.

Barbara Shelton
December 5, 1997
Page 5

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

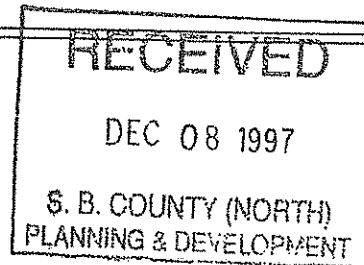
Sincerely,

A handwritten signature in cursive script that reads "James S. Pompy". The signature is written in black ink and is positioned to the left of the typed name.

James S. Pompy, Manager
Reclamation Unit

Enclosure

Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814



December 3, 1997

BARBARA SHELTON
SANTA BARBARA COUNTY PLANNING AND DEVELOPMENT
624 W. FOSTER ROAD, STE. C
SANTA MARIA, CA 93455-3623

Subject: SEPULVEDA MINING RECLAMATION PLAN SCH #: 97111002

Dear BARBARA SHELTON:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in cursive script that reads "Antero A. Rivasplata".

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

NOTICE OF COMPLETION

Appendix F

SCH# 97111002

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 (916) 443-0613

Project Title: SEPULVEDA MINING RECLAMATION PLAN (90-RP-001: Acin Site #1) DRAFT NEGATIVE DECLARATION 97-ND-40

Lead Agency: Santa Barbara County Planning and Development Contact Person: Barbara Shelton

Street Address: 624 W. Foster Rd., Ste. C Phone: (805) 934-6262

City: Santa Maria, CA Zip: 93455-3623 County: Santa Barbara

Project Location: County: Santa Barbara City/Nearest Community: Lompoc

Cross Streets: N of Santa Rosa Rd., E of State Rte 1, half-mile S of SR1/SR 246 intersection Total Acres: Parcel: 242 ac Reclamation: 69-139 ac

APN # 83-060-15, 83-070-18 Section: Twp. Range: Base:

Within 2 Miles: State Hwy #: SR 1, SR 246 Waterways: Santa Ynez River

Airports: Lompoc - 5 miles to NW Railways: SP - 12 miles to west along coast Schools: Harwood School in Lompoc to west - 2 miles

DOCUMENT TYPE

- CEQA: [] NOP [] Supplement/Subsequent NEPA [] NOI Other: [] Joint Document [] Early Cons [] EIR (Prior SCH No.) [] EIA [] Final Document [] Neg Dec [] Other [] Draft EIS [] Other [] Draft EIR [] FONSI

LOCAL ACTION TYPE

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation [] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment [] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit [] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [] Other Mining Reclamation Plan

DEVELOPMENT TYPE

- [] Residential: Units Acres [] Water Facilities: Type MGD [] Office: Sq.ft. Acres Employees [] Transportation: Type [] Commercial: Sq.ft. Acres Employees [] Mining: Type Reclamation of hard rock mining [] Industrial: Sq.ft. Acres Employees [] Power: Type Wats [] Educational [] Waste Trmnt: Type [] Recreational [] Hazardous Wst: Type [] Other

PROJECT ISSUES DISCUSSED IN DOCUMENT

- [x] Aesthetic/Visual [] Flood Plain/Flooding [] Schools/Universities [] Water Quality [x] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [x] Water Supply/Groundwater [x] Air Quality [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian [x] Archeological/Historical [x] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife [] Coastal Zone [] Noise [] Solid Waste [] Growth Inducing [x] Drainage/Absorption [] Population/Housing Balance [x] Toxic/Hazardous [x] Landuse [] Economic/Jobs [] Public Services/Facilities [x] Traffic/Circulation [] Cumulative Effects [] Fiscal [] Recreation/Parks [] Vegetation [] Other

PRESENT LAND USE/ZONING/GENERAL PLAN USE

Land Use: Rock mining operation. Surrounding cattle grazing, farming, Santa Ynez River, Cellite mining Zoning: 100-Agriculture General Plan: Agriculture II

PROJECT DESCRIPTION The project consists of phased reclamation of up to 68.5-139 acres of land undergoing vested mining for rock, stone and surface shale materials and a 3-acre materials processing/ storage site. Proposed reclamation would occur incrementally over the next 48-100 years as mining excavation is completed in subareas of the mine. All excavated material other than desired product would be replaced, recompact, and recontoured. Stockpiled topsoil would be restored to the surface, and reseeding would occur within one week, in accordance with biologist recommendations. Upon completion of reclamation activities, the land use would revert to cattle grazing.

State Clearinghouse Contact: Mr. Chris Belsky (916) 445-0613

Project Sent to the following State Agencies

State Review Began: 11-3-97 Dept. Review to Agency 11-26 Agency Rev to SCH 12-1 SCH COMPLIANCE 12-3

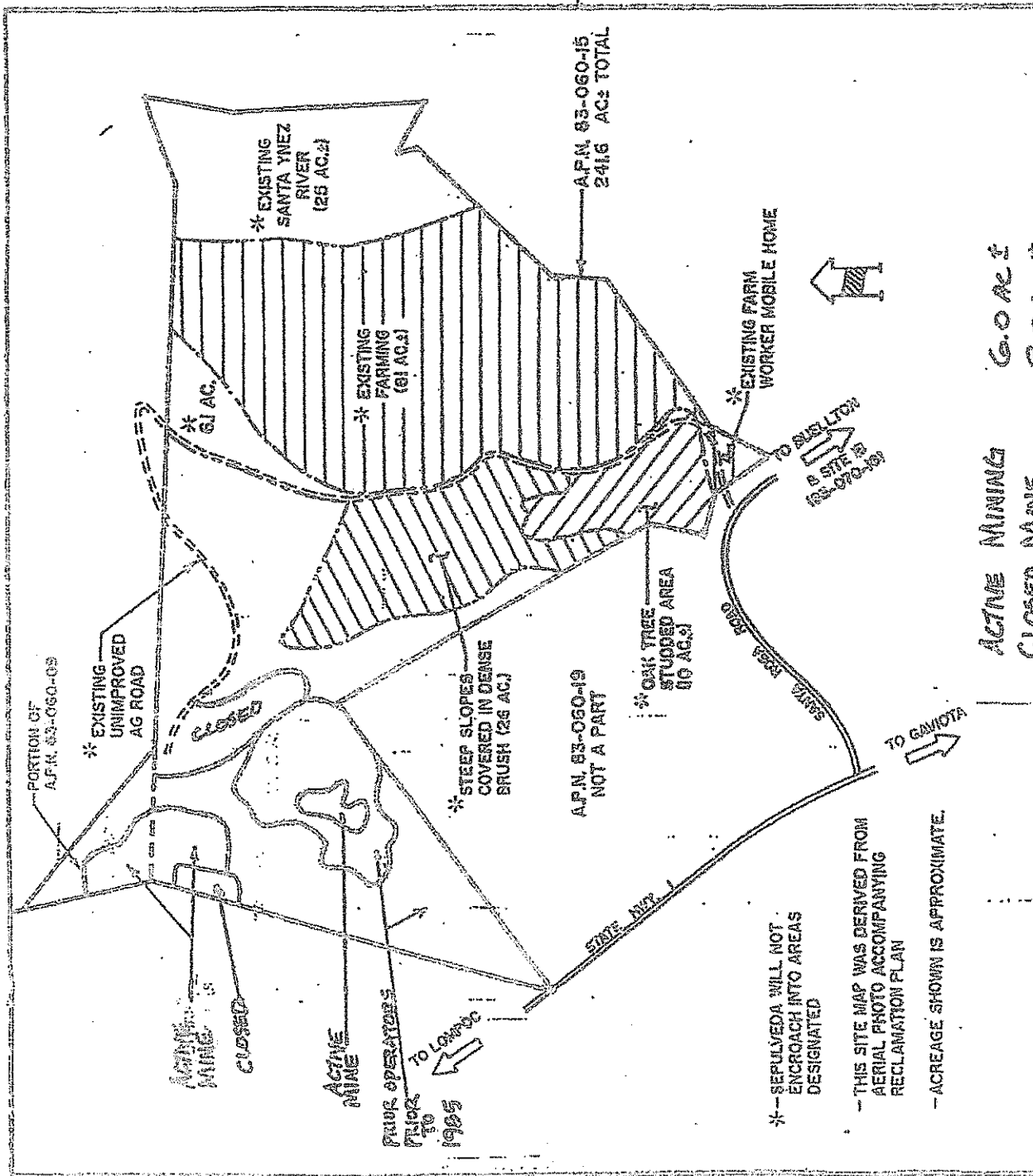
- [x] Resources [] State/Consumer Svcs [] Boating [] General Services [] Coastal Comm [] Cal/EPA [] Coastal Cons [x] ARB [] Colorado Rvr Bd [] CA Waste Mgmt Bd [x] Conservation [] SWRCB: Grants [x] Fish & Game # 5 [] SWRCB: Delta [] Delta Protection [] SWRCB: Wtr Quality [] Forestry [x] SWRCB: Wtr Rights [] Parks & Rec/OHP [] Reclamation [x] Reg. WQCB # 3 [] BCDC [] DTSC/CTC [] DWR [] OES [] Bus Transp Hous [] Aeronautics [] CHP [] Caltrans # 5

Please note SCH Number on all Comments

97111002

Please forward late comments directly to the Lead Agency

11/8



ACTIVE MINING G.O.A.C.I.
 CLOSED MINE B.O.A.C.I.
 MINED PRIOR TO 1985 C.O.A.C.I.

- * - SEPULVEDA WILL NOT ENCRUCH INTO AREAS DESIGNATED
- THIS SITE MAP WAS DERIVED FROM AERIAL PHOTO ACCOMPANYING RECLAMATION PLAN
- ACREAGE SHOWN IS APPROXIMATE.

Part of 1998 Submittals to PAD

#1

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Sepulveda Mining Reclamation Plan

Hearing Date: December 3, 1997
Staff Report Date: November 25, 1997
Case Nos.: 90-RP-001
Environmental Document: 97-ND-40

Supervisory District: Third
Staff: Barbara Shelton
Phone #: 934-6262

AGENT

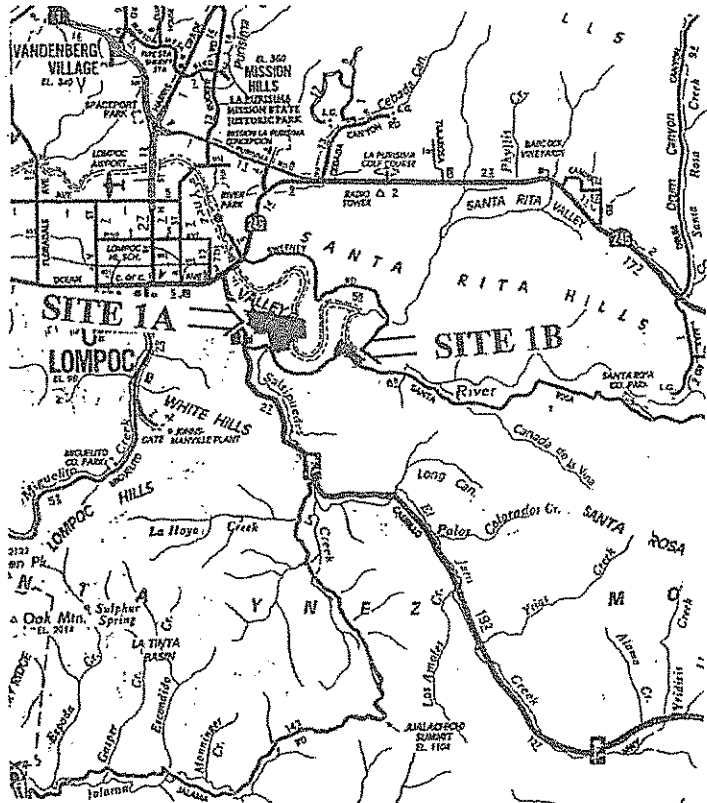
Sid Goldstien, Civil Engineer, Inc.
650 Alamo Pintado Road, Suite 302
Solvang, CA 93463
(805) 688-1526

APPLICANT/ LESSEE/ OPERATOR

Sepulveda Building Materials, Lompoc, Inc.,
A California Corporation
2936 Sepulveda Boulevard
Torrance, CA 90505-2894
John Conners, Owner

OWNER

Frank Acin
R.F.D. 114, Route 1
Lompoc, CA 93436



Portions of Assessor's Parcel Numbers 083-060-015 (Site 1A) and 083-070-018 (Site 1B), located north of Santa Rosa Road and easterly of State Route 1, in the Lompoc area, Third Supervisory District

1.0 REQUEST

Hearing on the request of Sid Goldstien, representing Sepulveda Building Materials, Lompoc, Inc., applicant and mine operator, to consider case number 90-RP-001 for a Reclamation Plan for phased reclamation of 68-121 acres of a vested rock and shale mine under provisions of Article III for property zoned 100-AG under Ordinance 661.

Application Filed:	01/29/90
Application Complete:	11/30/92
Updated Application Materials Submitted:	3/6/97 and 10/02/97
Processing Deadline:	3 months from approval of ND

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conceptually approve Case No. 90-RP-001 marked "Officially Accepted, County of Santa Barbara October 22, 1997, Planning Commission Attachments A through E," based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Approve Negative Declaration 97-ND-40 (Attachment C), and adopt the mitigation monitoring program contained in the conditions of approval (Attachment B).
3. Conceptually approve the Reclamation Plan, dated 2/27/97 as revised 12/5/97 (Attachment D) and continue final action to the January 21, 1998 Planning Commission hearing to allow time for State review of the conceptually approved plan and financial assurance.

If the Planning Commission takes other than the recommended action, refer back to staff for preparation of appropriate findings and conditions.

3.0 JURISDICTION

Planning Commission consideration of this project is in accordance with Section 35-320 of Article III of the County Code that governs the processing of Reclamation Plans:

Section 35-320.1. The purpose and intent of this Section is to regulate surface mining operations as authorized by the California Surface Mining and Reclamation Act (SMARA) to ensure that:

- a. *The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and*
- b. *The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.*

Section. 35-320.6.4. The Planning Commission shall hold at least one noticed public hearing on the Conditional Use Permit and/ or Reclamation Plan.

Section 35-320.6.5. Prior to final approval of a Reclamation Plan, financial assurances (as provided in Sec. 35-320.9), or any amendments thereto, the Planning Commission shall certify to the Director of the Department of Conservation that the Reclamation Plan, financial assurances, or any amendments thereto, comply with the applicable requirements of the State Regulations and submit the plan, assurances, or amendments to the Director of the Department of Conservation for review (SMARA, Sec. 2774 (c)). The Planning Commission shall conceptually approve the Reclamation Plan, financial assurances, and any amendments thereto, before submitting it to the Director of the Department of Conservation. ...

Subsequent subsections detail the remaining steps in the process, including the State comment period, Planning Commission consideration and response to State comments, and final Planning Commission and State actions to approve the Reclamation Plan.

4.0 ISSUE SUMMARY

Planning Commission consideration of the Sepulveda Mining Reclamation Plan (90-RP-001) at this time is for conceptual approval of the proposed Reclamation Plan.

In August 1997, the State Office of Mine Reclamation requested a specified schedule for completion of the reclamation plan process, under penalty of fines to the operator, and agreed to the current schedule.

The Sepulveda Mine is a vested operation for mining of rock, stone and surface shale, currently in the fourth phase of 9 identified areas. The reclamation plan provides for phased reclamation of up to 68 acres over the 49 year current lease period, and up to an additional 53 acres (for a total of 121 acres) if the lease is extended beyond the year 2045 to allow mining of the last two proposed phases (to the year 2098). As each of the identified mining area phases is completed, reclamation on that area would be completed. Reclamation would involve replacement and re-compaction of excess excavated material and stockpiled topsoil, recontouring to grades similar to original topography, and revegetation with native grasses. Upon completion of mining and reclamation activities, the use would revert back to cattle grazing or other allowed agricultural uses or open space.

A Negative Declaration issued for the reclamation plan concluded that, with the application of mitigation measures, no significant environmental impacts would result from the reclamation activities. No comments have been received to date. The comment period ends December 1, 1997, and staff will respond at the hearing to any comments received.

Staff evaluation of the reclamation plan concluded that the plan would meet State and County ordinance requirements for mining reclamation.

No comments from the State or surrounding residents on the Reclamation Plan or Draft Negative Declaration have been received as of the date of this report

5.0 PROJECT INFORMATION

5.1 Site Information

5.1 Site Information	
Comprehensive Plan Designation	A-II (Agriculture), Rural
Zoning District, Ordinance	100-AG (Agriculture, 100-acre minimum parcel size) Ordinance 661
Site Size	Site 1A (APN 083-060-015): Mining/ reclamation on 69-121 acres of a 242-acre parcel. Site 1B (APN 083-070-018): Processing/ storage/ reclamation on 3 acres of 119-acre parcel
Present Use & Development	Site 1A: Mining excavation and reclamation of mined areas; crop farming (75 acres); cattle grazing; farmworker mobile home. Site 1B: Materials processing; pole barn; mobile home.
Surrounding Uses/Zoning	North: Santa Ynez River, cattle grazing, open space South: Cattle grazing, open space East: Santa Ynez River, cattle grazing, open space West: Celite mining operation
Access	East of State Highway 1, north of Santa Rosa Road
Public Services	Water Supply: No water system developed on the site Sewage: No sewerage system; employees use portable facilities Fire: County of Santa Barbara, Station #51, Burton Mesa Blvd.

5.2 Setting

Slope/ Topography. The Site 1A (excavation/ reclamation) terrain is characterized by rolling hills. The elevation in the Santa Ynez River is approximately 100 feet; the elevation at the intersection of State Route 1 with Santa Rosa Road is about 270 feet; and the highest point of elevation on the property is at approximately 693 feet. Within the previous and current rock removal areas, the slope of the terrain ranges from 2% to 50%. The current rock removal area has slopes in the range of 5-12% toward SR 1. Site 1B (materials processing/ storage and reclamation) lays adjacent to Santa Rosa Road and has flat terrain with 0.5% slope.

Flora/ Fauna. Of the 139-acre area available by lease for rock removal, approximately seven acres contain 75 oak trees, 10 acres contain dry brush on steep slopes, and the remaining 122 acres has been largely stripped of vegetation except non-native grasses due to continuous cattle grazing. Plant communities include coastal sage scrub, oak woodland, and riparian along the river. Limited wildlife activity occurs on areas of the site disturbed by mining operations and cattle grazing, except for various birds and raptors. The riparian corridor of the Santa Ynez River is largely

undisturbed with a low level of human activity, and provides a high quality habitat for mammals, reptiles and birds.

Archaeological Sites. The project site is adjacent to the Santa Ynez River in an area known to have been inhabited by the Chumash. A recorded archaeological site is located within one mile of the project site, near the river.

Geology/ Soils. No active or potentially active seismic faults appear to be present. The site contains three geologic designations: QA - Valley and flood plain deposits of silt, sand, and gravel; TM - Monterey Shale upper shale unit (white weathering, thin-bedded, hard, brittle, siliceous shale); TML - Monterey Shale lower shale unit (white weathering, soft, punky, fissile to platy, semi-siliceous shale). Approximately a third of the parcel has prime agricultural soils, however mining operations are not occurring or planned on these areas.

Land Uses. Site 1A: In addition to the rock removal mining operation, the 242-acre site is primarily used for cattle grazing (139 acres) and farming (75 acres) with the remaining 28 acres within the Santa Ynez River. Surrounding uses are as follows: West - Celite mining operation; North/ East - Santa Ynez River, cattle grazing, open space; South - Cattle grazing/ open space.

Existing Structures. Site 1A - A mobile home used for a farm worker's residence is the only structure on the site. No structures are located within mining areas. Site 1B - Two structures are contained on the site: a farm worker's mobile home and a pole barn. Both structures are used for agricultural operations. The mining operation also uses the pole barn as a staging area for storage of excavated material and tool/ equipment storage area.

5.3 Existing Mining Operation and Compliance

According to the landowner statement, six operators have mined the site from approximately 1956± to 1985. The applicant has mined the site since 1985 on a lease area of 138.63 acres within a 241.63-acre parcel. (An additional 75 acres is used for agriculture, and approximately 28 acres are within the Santa Ynez River.) Areas previously disturbed during mining activity of prior operators comprise 8.5 acres; and 11 acres have been disturbed by the applicant's operations, for a total of 19.5 acres disturbed by mining activities to 1997. The applicant has identified constrained areas of steep slopes with dense brush (10 acres) and dense oak trees (7 acres) within which no mining operations will encroach. This leaves about 102.13 undisturbed acres within the lease area for future mining activities (138.63 acres minus 19.5 acres previously mined, minus 17 acres constrained areas). The total potential mined area, including past and maximum anticipated future area would be 121 acres.

Present mining operations involve an estimated average of 60 tons of material weekly, which equates to 25-26 pallets of flagstone product. For every 40 tons of material removed from the site, approximately 32 tons become finished product and 8 tons of scrap are placed back in the excavated mining area. Within the remaining 102.13 acres, the applicant anticipates disturbance of an average of 1.02 acres per year for the next 48 years remaining on the lease, which amounts to 49

additional acres. The previously disturbed 19.5 acres combined with the projected 49 acres totals 68.5 acres of mined area to be reclaimed. If the entire area which potentially could be mined was disturbed, it would entail reclamation of 121.63 acres.

The annual County inspections of the Sepulveda mine have found that reclamation efforts to date have been relatively successful. The last annual County inspection of the Sepulveda mine was held on September 9, 1997 (Analise Merlo, Planning and Development). Notes from the inspection identified areas reclaimed in the past which have experienced some soil settling, causing an irregular undulation to the soil surface. The mine operator was required to re-grade and compact these areas, and reseed. The report also contained a reminder to the operator that topsoil needs to be completely removed from the top of the mine area and stockpiled prior to mining.

5.4 Project Description

The project, Mining Reclamation Plan 90-RP-01 (Acin Site #1), consists of phased reclamation of up to 68.5 - 121 acres of land mined for rock, stone and surface shale materials under the provisions of the SMARA. Reclamation is required for ground disturbances to depths of up to 20 feet below the surface, associated with the continuing operations of vested mining activity. The mining operations, (which are not part of the project) occur on portions of two legal parcels totaling 360.31 acres. The past and projected excavation site (Site 1A), as defined within the operator's lease agreement, encompasses 121.63 acres of a 241.63 acre parcel, approximately 68.5 acres of which are anticipated to be disturbed by mining activities through the life of the mine (1956 - 2045) under current lease arrangement and would require reclamation. The remaining 53 acres within the 121-acre area could potentially be mined if the current lease arrangement was extended beyond the year 2045. The materials processing and storage site (Site 1B) encompasses approximately three acres of a 118.68-acre parcel, which would require reclamation following closure of the mine.

Proposed reclamation would occur incrementally. Upon completion of excavation activity in the area of an identified phase, all excavated material other than the desired stone would be replaced, recompacted, and recontoured. Stockpiled topsoil would be restored to the surface of the reclaimed area. The practice of stockpiling topsoil was initiated at the site in 1992. Reseeding, in accordance with the recommendations of biologist Greg Donovan's report, would then be accomplished within one week.

The applicant proposes revegetation of those excavated areas with slopes of 30% or less. Any slopes in excess of 30% are proposed to be benched and not revegetated due to the difficulty of accessing such slopes. The property use after conclusion of mining and completion of reclamation activities would revert back to cattle grazing or other allowed agricultural uses or open space.

Reclamation activities would occur on an ongoing basis such that an estimated 95% of mined areas would be reclaimed at the time mining operations cease, regardless of what year that occurs. Completion of reclamation would occur within 12 months after mining operations cease, unless extended by the Lead Agency. The property would then revert to agricultural or open space use.

The materials processing and storage site (Site 1B) involves sorting and stacking of excavated material onto pallets. A portion of the pole barn is leased by the mining operation for use in storing excavated material to be processed during inclement weather, and for equipment storage. Proposed reclamation of the materials processing and storage site would entail removal of mining equipment and mined materials and recontouring/ revegetating the site as necessary within five years after cessation of activities, unless extended by the Lead Agency.

In accordance with SMARA requirements, the County would monitor reclamation efforts and continue to prepare annual inspection report.

The applicant estimates that continued mining operations at the *current* rate of extraction (1.02 acres per year) would result in 48 to 100 year additional project timeline, depending on whether the current lease expires in the year 2045 or is extended up to another 53 years to the year 2098.

The applicant has identified the following subareas and phases of mining and reclamation activity, which are depicted on the reclamation site plan:

<u>Area</u>	<u>Acreage</u>	<u>Mining Period</u>	<u>Reclamation Date</u>
1	8.5 acres	1956± - 1985	Unknown (By owner)
2	8.0 acres	1985-1991	Inspected 1992
3	1.5 acres	1991-1992	Inspected 1993
4	7.0 acres	1993-2003	Ongoing; 2004 completion
5	21.0 acres	2004-2021	2022 completion
6	9.0 acres	2022-2033	2034 completion
7	12.0 acres	2034-2045	2046 completion
8	13.0 acres	After 2045	2098 completion
9	42.0 acres	After 2045	2098 completion

Performance Criteria. The Reclamation Plan identifies the following criteria which must be met in order for a determination of adequate reclamation of the site:

Revegetation. Attain 80% vegetative coverage of the area reclaimed to include no area larger than 200 square feet attaining less than 40% coverage.

Grading. No evidence of major slides, and/or or well-developed rilling or gullyng.

5.5 Financial Assurance

The applicant has offered a draft estimate of costs for reclamation as a basis for providing financial assurances as required by SMARA as part of the reclamation plan. Following conceptual approval of the reclamation plan, the applicant must submit an official financial assurance proposal using a State worksheet which provides a more detailed breakdown of costs.

Applicant Estimate of Costs, from pages 20-21 of Attachment D, Reclamation Plan, Section III.B.6:

Site 1A - The posting of security is required by SMARA. Based upon costs obtained from various seed suppliers for the seed mix as noted in Section III.B.3, the labor cost for broadcasting the seed on the site and the cost of any grading required to finalize reclamation, the estimated amount per acre is \$850.00.

Site 1B - The estimated cost per year of removing the stockpiled stone as needed to the Los Angeles sales sites is \$4000.00 coupled with the site cleanup of \$1350 equals \$5350.00.

The above amounts may be set aside in financial assurances and in a form acceptable to the State of California and the County. The financial assurances will be submitted to the State Geologist for his review and will be made payable to the SMARA lead agency, the County of Santa Barbara or the State Geologist.

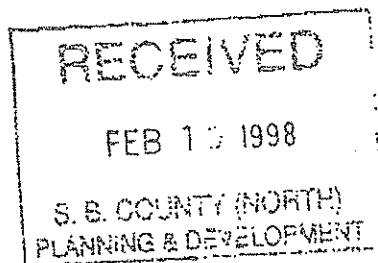
5.6 Background

The Sepulveda mine has been determined to be a vested mining operation continuously operating since prior to 1976 (operations since 1956). The mining operation itself therefore is not subject to any requirement for County conditional use permits. However, the State Surface Mining and Reclamation Act (SMARA) requires all mines operating after 1976, including vested operations, to have reclamation plans adopted by the local planning agency and approved by the State Office of Mine Reclamation.

The Sepulveda Mining Reclamation Plan 90-RP-001 application was submitted in 1990 and determined complete in 1992. Due to a combination of Planning and Development staff turnover, staff reassignments, and workload, the application process for this project did not proceed. Despite workload problems, Planning and Development has complied with all functional elements of the SMARA program in the field during this period by keeping full staffing for the annual inspection program to ensure that ongoing reclamation efforts continued to be in place. The actual mining reclamation operation has not been affected in the field by the prolonged review process. The applicant has not opted to appeal the permit process to the State.

In 1997, Planning and Development staff reviewed work completed to date on the reclamation plan application, and determined that the proposed plan needed to be updated and augmented with additional information to address current requirements of the County and State. In addition, this update allowed the applicant to expand their project description with a revised lease agreement with the owner which extends mining operations to the year 2045. The applicant provided updated information, and, following another staffing delay, staff proceeded to prepare environmental documentation. In August 1997, the State Office of Mine Reclamation requested a specified schedule for completion of the reclamation plan process, under penalty of fines to the operator, and agreed to a schedule leading to Planning Commission consideration of the Reclamation Plan on December 3, 1997.

DEPARTMENT OF CONSERVATION
Office of Mine Reclamation
Reclamation Unit
801 K Street, MS 09-06
SACRAMENTO, CA 95814-3529
PHONE: (916) 323-8567
FAX: (916) 322-4862
E-MAIL: omr@consrv.ca.gov



Telecommunications
Device for the Deaf
(916) 324-2555

February 3, 1998

Barbara Shelton
County of Santa Barbara
Santa Barbara Resource Management
123 East Anapamu Street
Santa Barbara, CA 93101

Dear Ms. Shelton:

Sepulveda Mining Reclamation Plan 90-ND-40, Acin Site #1
Initial Study/Draft Negative Declaration 97-ND-40 CA Mine Id #91-42-0011

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Initial Study/Draft Negative Declaration 97-ND-40 for Sepulveda Mining Reclamation Plan 90-RP-01, Acin #1, the Staff Report for Sepulveda Mining Reclamation Plan and the Sepulveda Building Materials, Lompoc, Inc. "90-RP-001" Reclamation Plan. The project is located east of State Highway 1, and north of Santa Rosa Road, approximately ½ mile south of the town of Lompoc. The project includes the removal of rock, stone, and surface shale materials from 68.5 acres near Lompoc. The site is a vested operation. A site visit was conducted on January 28, 1998 by OMR staff. The following comments prepared by Karen Wiese and Catherine Gaggini are offered to assist in your review of the project.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq., Article 9 Section 3700 et seq.) (copies enclosed) require that specific items be addressed or included in reclamation plans. The following items were not adequately addressed in the document submitted; we recommend that the reclamation plan be supplemented to fully address these items.

End Land Use

(Refer to SMARA Section 2772(g),(h), CCR Sections 3704(e), 3706(a), 3707 (a),(c), 3708)

- ✓ 1. SMARA Section 2772(c)(7) requires that the reclamation plan include a description of the proposed use or potential uses of the mined lands after reclamation. During the site visit, grazing was identified as the end use. The specific end use should be stated in the reclamation plan.
2. SMARA Section 2772(c)(8) requires a description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished. The reclamation plan provides cursory information regarding the revegetation of the site. Pursuant to CCR Section 3705, the reclamation plan should contain a revegetation plan with the following components:
 - ✓ a. Description of the planting methods and the planting schedule. CCR Section 3705(h) requires that planting be conducted during the most favorable period of the year for plant establishment.
 - ✓ b. Description of interim erosion control measures. CCR Section 3705(l) requires that soil stabilization practices be used where necessary to control erosion and for successful plant establishment.
 - ✓ c. Address the responsibility for maintenance and monitoring during implementation.
 - ✓ d. A reporting mechanism and reporting schedule. Describe the monitoring methods to be used after implementation and responsible parties. SMARA 2773(a) requires that a revegetation plan specific to property be prepared and include a monitoring plan. The monitoring plan should include frequency and duration of monitoring.
 - ✓ e. Description of remedial measures to be implemented if revegetation is not successful according to performance criteria.
 - ✓ f. It has been determined that the end use of the will be grazing land. CCR Section 3707(c) requires productivity rates equal to pre-project, or a similar site, for two consecutive years and the rates set forth in the reclamation plan. We recommend that the reclamation plan state the rate of productivity expected after reclamation has been completed. When grazing is the end use, a measure such as AUM (animal units per month)

✓ should be used. Successful revegetation of the grasses that have established on previously disturbed areas has already been proven. As we discussed during the site visit, a measurement of percent cover of vegetation per unit area is a feasible criteria for monitoring revegetation success and could be substituted for AUM. Percent cover of the grasses is a more precise measurement of reclamation success.

Resoiling and Revegetation

(Refer to SMARA Section 2773(a), CCR Sections 3503(a)(1),(f),(g), 3704(c), 3705(a),(b),(c),(d),(e),(f),(g),(h),(i),(j),(k),(l),(m), 3707(b),(d), 3711(a),(b),(c),(d),(e))

✓ 3. CCR Section 3711(d) requires topsoil stockpiles to be clearly identified and protected from wind and water erosion. The reclamation plan should state how the piles will be protected from erosion. Seeding the topsoil stockpile with a legume or cereal is a suitable method for protection.

✓ 4. CCR Section 3705(l) requires protection measures to be used when the success of revegetation efforts are threatened by grazing, trampling, herbivore, or other causes. We recommend that the reclamation plan be amended to include a provision for the exclusion of grazing from newly planted areas if grazing impacts revegetation.

Geotechnical Requirements

(Refer to CCR Sections 3502(b)(3),(b)(4), 3704 (a),(b),(d),(f))

✓ 5. The reclamation plan currently proposes a maximum depth of 20 feet. The mining depth may be greater, according to information gained during the site visit. If depth of mining exceeds 20 feet, the reclamation should state what the new maximum depth will be. The reclamation plan should be amended to provide for benches every 30 feet of vertical depth, at minimum, to insure slope stability. The plan should also specify the minimum width of the benches. Based on the final site plan, the bench cuts will be temporary and the pits will be backfilled to within approximately 2 feet of original grade. If benches are proposed, then the revegetation plan should address the revegetation of the benches pursuant to SMARA.

Hydrology and Water Quality

(Refer to SMARA Sections 2772(h)(1),(h)(2), 2773(a), CCR Sections 3503(a)(3),(b)(1),(d), 3706(c),(d),(e),(f),(g), 3710 (b),(c), 3711(e), 3712)

Barbara Shelton
February 3, 1998
Page 4

6. Very minor rilling of stockpiled overburden was evident during the site visit. Water erosion from the excavation areas was not evident, most likely because the pits currently drain inward. We recommend that the reclamation plan state that the pits will be graded to drain internally to insure that the potential for erosion continues to be mitigated in the future.

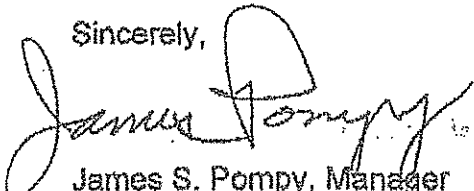
7. Along limited portions of the mine site, excavation has occurred up to the property line. To limit the potential for off site impacts (due to potential slope instability), the reclamation plan should state that all excavations adjacent to the property line be no grater that 2:1 (horizontal to vertical) slope and be limited to 20 depth. For mining depths greater than 20 feet, appropriate setbacks from the property line should be observed and provided for in the reclamation plan. For example, if the cut slope is 50 feet, a minimum setback of 25 feet should be required.

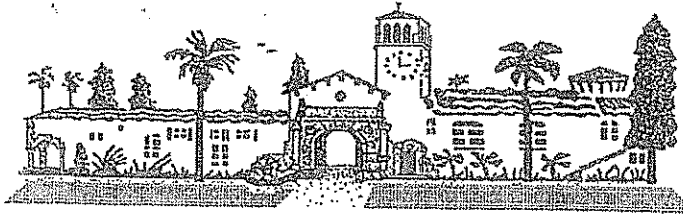
Administrative Requirements

(Refer to SMARA Sections 2774(b), 2776, 2777, PRC Section 21161.7)

8. SMARA Section 2774(b) requires that lead agencies annually inspect mining operations to determine SMARA compliance. This requirement should be incorporated into the reclamation plan prior to approval.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,

James S. Pompy, Manager
Reclamation Unit



County of Santa Barbara Planning and Development

John Patton, Director

April 8, 1998

John Conners
Sepulveda Building Materials, Lompoc, Inc.
2936 Sepulveda Blvd.
Torrance, CA 90505-2894

PLANNING COMMISSION
HEARING OF APRIL 1, 1998

RE: Sepulveda Mining Reclamation Plan, 90-RP-001

Hearing on the request of Sepulveda Building Materials, Lompoc, Inc., to consider Case No. 90-RP-001 [application filed on 01/29/90; complete 11/30/92; updated application materials submitted on 03/06/97 and 10/02/97] for approval of a Reclamation Plan for phased reclamation of 68 to 121 acres of land mined for rock, stone and shale over the next 49 years; zoned AG-II-100 (Agriculture, 100-acre minimum) under Article III; and to approve the Negative Declaration (97-ND-40) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 083-060-015 and 083-070-018, located north of Santa Rosa Road and east of State Route 1, Lompoc area, Third Supervisorial District.

Dear Mr. Conners:

At the Planning Commission hearing of April 1, 1998, Commissioner Duncan moved, seconded by Commissioner Oberdeck, and carried by a vote of 3 to 0 (Gray absent/Beall abstained from hearing item) to:

1. Conceptually adopt the required findings for the project specified in Attachment A, including CEQA findings;
2. Conceptually approve Negative Declaration 97-ND-40 (Attachments C and Attachment E of staff report dated March 20, 1998), and the mitigation monitoring program contained in the conditions of approval (Attachment B) and Reclamation Plan 1998 (Attachment F of staff report dated March 20, 1998), as revised at the hearing of April 1;
3. Conceptually approve the Reclamation Plan, dated March 20, 1998 (Attachment F including maps in staff report dated March 20, 1998), subject to conditions of approval specified in Attachment B, as revised at the hearing of April 1, 1998,;
4. Direct staff to forward the Reclamation Plan with Commission action to the State Office of Mine Reclamation for formal approval, and to return for final Planning Commission approval at the hearing of June 10, 1998.

The following revisions reflect the Planning Commission's conceptual action of April 1, 1998.

REVISIONS TO CONDITIONS

✦ Condition 1, Project Description, is revised as follows:

Page B-1, paragraph 3, is revised:

~~Approximately 96.5 acres of the lease mine area are anticipated to be disturbed~~ The reclamation plan area includes approximately 96.5 acres within the lease mine area which could potentially be disturbed by mining activities through the life of the mine (1956 - 2045) under current lease arrangement and would require reclamation.

Page B-2, paragraph 5, is deleted:

~~The applicant estimates that continued mining operations at the current rate of extraction (1.02 acres per year) would result in 48 years additional project timeline, based on the current lease.~~

Page B-3, paragraph 2, is revised: (corresponding change will be made to page 28 of the Reclamation Plan)

Revegetation. Attain 90% vegetative coverage of the area reclaimed to include no area larger than 200 square feet attaining less than 40% coverage, except for rock outcroppings.

Page B-3, paragraph 3, is revised: (corresponding change will be made to page 24 of the Reclamation Plan)

Grading. Final grades shall be within 2 feet of natural topography 2-5 feet of natural contour, with stable slopes and no evidence of major slides, and/or or well-developed rilling or gullying. Final grading shall conform with Grading Ordinance setback requirements.

✦ Condition 2 (b) is revised:

- b. Graded areas shall be revegetated with ~~native~~ species specified in the approved Reclamation Plan in the early fall to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

✦ Condition 7 is revised:

7. All reclaimed areas shall be revegetated as specified in the approved Sepulveda Reclamation Plan 90-RP-01 for Acin Site 1 and in accordance with SMARA performance standards. Revegetation will occur on an ongoing periodic basis, within one week in the fall prior to the rainy season according to the schedule specified in the approved reclamation plan. Revegetation activities will apply techniques identified by the State Department of Mines and Geology and biologist report (Donovon).

✦ Condition 28 is added:

28. At the time of mine closure, reclamation of any areas mined by operators prior to Sepulveda Building Materials (shown on Exhibit 12) which were not reopened by Sepulveda, but subject to reclamation, will be the responsibility of the landowner.

✦ Condition 29 is added:

29. Mine excavations of depths exceeding 25 feet within the area between 400 and 600 foot elevation contours in Subareas D, E, and F require prior applicant submittal of an engineering geology report for review and approval by Planning and Development. The report will address slope stability pertaining to temporary stockpiling of excavated material. Mining excavations shall conform with Grading Ordinance setback requirements.

✦ Condition 30 is added:

30. Prior to transmittal of the conceptual plan to DMG, the owner and operator shall:
1. Revise their Statements of Responsibility to reference "mined lands" rather than "areas mined" pursuant to SMARA Section 2772(c)(10):
 2. Provide a revised geological Map (p6. of Reclamation Plan) with accurate project site boundaries.
 3. Revise all Reclamation Plan references to maximum mining depth to 50 feet.

✦ Condition 31 is added:

31. If the annual SMARA report shows that in any year of operation operator has ten or more acres of open mined land (which exceed the eight acres historically open to date), Planning and Development shall have the authority to reevaluate the reclamation plan to ensure compliance with SMARA. This could include a request for revised geologic studies and plans.

✦ Negative Declaration Cover Letter is added:

Proposed Final Negative Declaration 97-ND-40 cover letter dated March 20, 1998 from Lawrence W. Appel was added to the Negative Declaration in Attachment C of the March 20, 1998 staff report.

✦ Figure 12 is added:

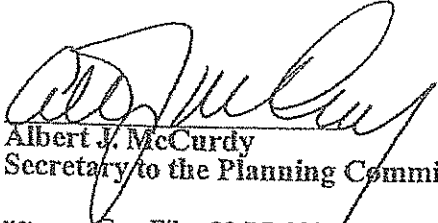
Figure 12, depicting the location of Sepulveda Building Materials closed mines and active mines, and areas mined prior to 1985 by other operators, was added to the Reclamation Plan.

The attached findings and conditions of approval reflect the Planning Commission's conceptual action of April 1, 1998.

ADVISORY: YOU HAVE JUST RECEIVED PRELIMINARY APPROVAL OF RECLAMATION PLAN 90-RP-001 BY THE PLANNING COMMISSION. PURSUANT TO SMARA [SECTION 2774 (D)] THE DRAFT RECLAMATION PLAN MUST NOW BE REVIEWED BY THE STATE DEPARTMENT OF CONSERVATION OFFICE OF MINE RECLAMATION FOR A 45-DAY REVIEW PERIOD. AS PART OF THAT REVIEW, THEY MUST REVIEW YOUR FINANCIAL ASSURANCES WORK SHEET. PLANNING COMMISSION CONSIDERATION OF FINAL APPROVAL OF THE PLAN HAS BEEN SCHEDULED FOR THE JUNE 10, 1998 PLANNING COMMISSION HEARING. IF THESE PROCEDURES ARE UNCLEAR OR YOU HAVE ANY ADDITIONAL QUESTIONS, PLEASE CONTACT YOUR CASE PLANNER BARBARA SHELTON (934-6262)

Only final actions of the Planning Commission are appealable to the Board of Supervisors. The Commission action of April 1, 1998 was conceptual, not final, and therefore may not be appealed.

Sincerely,



Albert J. McCurdy
Secretary to the Planning Commission

xc: Case File: 90-RP-001
Planning Commission File
Richard Corral, Planning Technician
Owner: Frank Acin, R.F.D. 114, Route 1, Lompoc, CA 93436
Agent: Sid Goldstien, Civil Engineer, Inc., 650 Alamo Pintado Rd., Ste 302, Solvang, CA 93463
Zoning Compliance
Permit Compliance
County Surveyor
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Mary Ann Slutzky, Deputy County Counsel
Planner: Barbara Shelton

AJM:dcox
G:\GROUP\DEV_REV\WP\RP\SEPULVEDA\ACTLTR.API

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration, 97-ND-40, together with the comments received and considered during the public review process. The mitigated negative declaration reflects the independent judgment of the Planning Commission, 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 reclamation plan, 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 complies with all applicable standards and regulations of the Surface Mining and Reclamation Act, and is in compliance with the County's Grading Ordinance, as discussed in the staff reports dated November 26, 1997 and March 20, 1998.

- 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 Comprehensive Plan.*

Mining reclamation activities and the end uses of cattle grazing (Site 1A), and agricultural equipment/ supplies storage (Site 1B) are allowed in the 100-AG zone district of Ordinance 661, and the A-II land use designation of the Comprehensive Plan. The project is consistent with applicable Comprehensive Plan policies as discussed in Section 6.2 of the staff report dated November 26, 1997 and Section F of the staff memo dated March 20, 1998. The Plan also complies with the applicable provision of Article III, including reclamation plan requirements, as discussed in section 6.3 of the staff report dated November 26, 1997 and Section F of the staff memo dated March 20, 1998.

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-40, 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 provides for recontouring of the site to blend with the natural and surrounding topography, revegetation with native vegetation compatible with nearby grassland, oak woodland and chaparral vegetation, and an end use of cattle that is compatible with the surrounding area uses of cattle grazing, crop production, open space, mining, and the Santa Ynez River.

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.

Recontouring and revegetation of the site as provided for in the Reclamation Plan will allow for reversion to the end uses of cattle grazing, which is consistent with the Comprehensive Plan.

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 staff memo dated March 20, 1998 responds to issues raised by the Department of Conservation Office of Mine Reclamation letter of February 3, 1998. The revised reclamation plan, as conditioned, would address State comments and SMARA requirements. A written transmittal, including Planning Commission findings and conceptual action and responses to State comments, will be sent with the conceptually conditionally approved Reclamation Plan and financial assurance to the State Department of Conservation for their approval.

ATTACHMENT B: CONDITIONS OF APPROVAL

Sepulveda Mining Reclamation Plan 90-RP-001

I. Project Description

1. This Reclamation Plan is based upon and limited to compliance with the project description, the Reclamation Plan marked Attachment F dated 3/20/98, 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 Reclamation Plan 90-RP-001, dated 3/20/98 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.

The project, Mining Reclamation Plan 90-RP-01 (Acin Site #1), consists of phased reclamation of up to 96.5 acres of land mined for rock, stone and surface shale materials and a 3± acre storage area under the provisions of the State Surface Mining and Reclamation Act (SMARA). Reclamation is required for ground disturbances to depths of up to 50 feet below the surface, associated with the continuing operations of vested mining activity. The mining operations, (which are not part of the project) occur on portions of three legal parcels totaling 678.87 acres. The past and projected excavation site (Site 1A), as defined within the operator's lease agreement, encompasses 138.6 acres of adjacent 241.63 acre and 318.56 acre parcels. The reclamation plan area includes approximately 96.5 acres within the lease mine area which could potentially be disturbed by mining activities through the life of the mine (1956 - 2045) under current lease arrangement and would require reclamation. The materials processing and storage site (Site 1B) encompasses approximately three acres of a 118.68-acre parcel, which would require reclamation following closure of the mine.

Proposed reclamation would occur incrementally. Upon completion of excavation activity in an area, all excavated material other than the desired stone is replaced, recompacted, and recontoured. Stockpiled topsoil is restored to the surface of the reclaimed area. The practice of stockpiling topsoil was initiated at the site in 1992. Reseeding, in accordance with the procedures and seed mix specified in the reclamation plan and recommendations of biologist Greg Donovan's report, would then be accomplished within six months following the annual report and just prior to the rainy season. Revegetation would be maintained until reclamation plan success criteria are achieved, as determined by County monitoring.

Final slopes too steep for successful revegetation using methods outlined in the reclamation plan would be hydroseeded. The property use after conclusion of mining and completion of reclamation activities would revert to cattle grazing (Site 1A) and agricultural equipment/ supplies storage (Site 1B)

Reclamation activities would occur on an ongoing basis such that an estimated 95% of mined areas would be reclaimed at the time mining operations cease, regardless of what year that occurs. Completion of reclamation recontouring and revegetation activities would occur within 12 months after mining operations cease, unless extended by the Lead Agency. The property would then revert to cattle grazing use.

The materials processing and storage site (Site 1B) involves sorting and stacking of excavated material onto pallets. A portion of the pole barn is leased by the mining operation for use in storing excavated material to be processed during inclement weather, and for equipment storage. Proposed reclamation of the materials processing and storage site would entail removal of mining equipment and mined materials and recontouring/ revegetating the site as necessary within two years after cessation of mining activities, unless extended by the Lead Agency.

Annually, the operator would submit a Reclamation Plan Report to the County. In accordance with SMARA requirements, the County would monitor reclamation efforts and prepare an annual inspection report.

Performance Criteria. The Reclamation Plan identifies the following criteria which must be met in order for a determination of adequate reclamation of the site:

Revegetation. Attain 90% vegetative coverage of the area reclaimed to include no area larger than 200 square feet attaining less than 40% coverage, except for rock outcroppings.

Grading. Final grades shall be within 2-5 feet of natural contour, with stable slopes and no evidence of major slides, and/or or well-developed rilling or gulying. Final grading shall conform with Grading Ordinance setback requirements.

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 must be submitted for review and approval and shall be implemented as approved by the County.

II. Mitigation Measures from Negative Declaration 97-ND-40

Grading

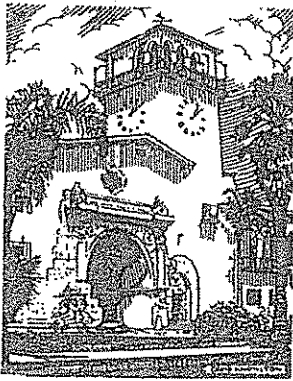
2. Reclamation activities shall adhere to SMARA performance standards 3704 (Backfilling, Regrading, Slope Stability, and Recontouring) and 3706 (Drainage, Diversion Structures, Waterways, and Erosion Control), and the application of standard engineering grading procedures and County standards for erosion-control, drainage design, and revegetation. To be consistent with the State Performance Standards, §3704(d), for any final slopes exceeding 2 1/2: 1, a site-specific geologic and engineering analysis shall be submitted to Planning and Development for review and approval as part of the annual reclamation plan report. This analysis shall demonstrate that all proposed final slopes will have a minimum slope stability factor of safety that is suitable for the proposed end use, and that the proposed final slopes can be successfully revegetated. All reclamation which involves grading shall be designed to minimize erosion and shall be conducted in accordance with the Santa Barbara County Grading Ordinance (Chapter 14 of the Santa Barbara County Code) and standard grading practices, including the following measures:
 - a. Grading/ recontouring for reclamation shall be limited to the dry season (April 15 - November 1) unless approved by P&D Grading Division based on approved grading/ erosion-control measures.
 - b. Graded areas shall be revegetated with species specified in the approved Reclamation Plan in the early fall to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

CONDITIONS OF APPROVAL

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030



Date: July 27, 1998

Sid Goldstein
650 Alamo Pintado Road #302
Solvang, CA 93463
Torrance CA 90505

PLANNING COMMISSION
HEARING OF JUNE 10, 1998

RE: *Sepulveda Mining Reclamation Plan, 90-RP-001*

Hearing on the request of Sepulveda Building Materials, Lompoc, Inc., to consider Case No. 90-RP-001 [application filed on January 29, 1990; complete November 30, 1992; updated application materials submitted on March 6, 1997 and October 2, 1997], for approval of a Reclamation Plan for phased reclamation of 68 to 121 acres of land mined for rock, stone and shale over the next 49 years; zoned AG-II-100 (Agriculture, 100-acre minimum) under Article III; and to approve the Negative Declaration (97-ND-40) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, potentially significant but mitigable effects on the environment are anticipated in the following categories: grading/slope stability, erosion/drainage, dust, loss or damage to native habitat, damage to unknown buried artifacts, and hazardous materials handling. The ND and all documents referenced therein may be reviewed at the Planning and Development Department, 624 W. Foster Rd., Santa Maria. The ND is also available for review at the Lompoc Library, 501 E. North Ave., Lompoc. The application involves AP Nos. 083-060-015 and 083-070-018, located north of Santa Rosa Road and east of State Route 1, Lompoc area, Third Supervisorial District.

Dear Mr. Goldstien:

At the Planning Commission's regular meeting of June 10, 1998, Commissioner Duncan moved, seconded by Commissioner Jenkins and carried by a vote of 4-0 (Beall abstained), to:

1. Adopt the required findings for the project specified in *Attachment A* of the staff report dated June 1, 1998, including CEQA findings, as modified.
2. Approve Negative Declaration 97-ND-40 (*Attachment C* and *Attachment H* figures) and the mitigation monitoring program contained in the conditions of approval (*Attachment B*) and Reclamation Plan (*Attachment H*), as modified.
3. Approve the Reclamation Plan; dated April 3, 1998 (*Attachment H* including maps), with revised financial assurance dated June 9, 1998, subject to conditions of approval specified in *Attachment B*, as modified.
4. Direct staff to forward a copy of the approved Reclamation Plan with Commission action to the State Department of Conservation/Office of Mine Reclamation.

The following revisions reflect the Planning Commission's actions at the hearing of June 10, 1998.

◆ REVISIONS TO FINDINGS:

Finding 2.1.6 is revised as follows:

"The staff memo dated March 20, 1998 responds to issues raised by the Department of Conservation Office of Mine Reclamation letter of February 3, 1998. The revised reclamation plan, as conditioned, would address State comments and SMARA requirements. A written transmittal, including Planning Commission findings and conceptual action and responses to State comments, will be ~~was~~ sent with the conceptually approved Reclamation Plan and financial assurance to the State Department of Conservation in April 1998 for their approval. The State Department of Conservation determined that the Plan met State legislative and regulatory requirements (letter of May 20, 1998). State Department of Conservation comments on financial assurance estimates will be fully addressed by a revised financial assurance estimate (dated June 9, 1998) incorporated as part of the reclamation plan and provision of a surety meeting state and county guidelines."

◆ REVISIONS TO CONDITIONS:

Condition 32 requiring a revised financial assurance estimate is deleted.

◆ REVISIONS TO NEGATIVE DECLARATION 97-ND-40

The Final Negative Declaration incorporates updated figures from the approved Reclamation Plan, Attachment H, dated 4/3/98.

◆ REVISIONS TO RECLAMATION PLAN 90-RP-001

Exhibit 8, the Reclamation Plan, incorporates the revised Financial Assurance Cost Estimate dated June 9, 1998.

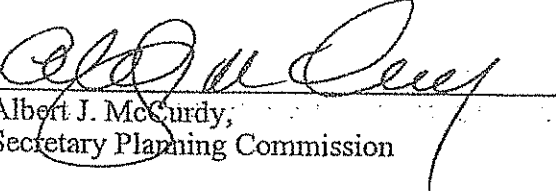
The attached findings and conditions represent the Planning Commission's actions.

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 ended on June 22, 1998.

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 Planning Commission

- xc: Case File: 90-RP-001
Planning Commission File
Richard Corral, Planning Technician
Owner: Frank Acin, P.O. Box 114, Route 1, Lompoc, CA 93436
Applicant: Sepulveda Building Materials, 2936 Sepulveda Boulevard, Torrance, CA 90505
County Chief Appraiser
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Zoning Compliance
Deputy County Counsel
County Surveyor
Planner: Barbara Shelton, North County

Attachments: Departmental Letters
Findings
Revised/Modified Conditions of Approval

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration, 97-ND-40, together with the comments received and considered during the public review process. The mitigated negative declaration reflects the independent judgment of the Planning Commission, 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 reclamation plan, 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 dated 4/3/98 complies with all applicable standards and regulations of the Surface Mining and Reclamation Act, and is in compliance with the County's Grading Ordinance, as discussed in the staff reports dated November 26, 1997 and March 20, 1998.

- 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 Comprehensive Plan.*

Mining reclamation activities and the end uses of cattle grazing (Site 1A), and agricultural equipment/ supplies storage (Site 1B) are allowed in the 100-AG zone district of Ordinance 661, and the A-II land use designation of the Comprehensive Plan. The project is consistent with applicable Comprehensive Plan policies as discussed in Section 6.2 of the staff report dated November 26, 1997 and Section F of the staff memo dated March 20, 1998. The Plan

also complies with the applicable provision of Article III, including reclamation plan requirements, as discussed in section 6.3 of the staff report dated November 26, 1997 and Section F of the staff memo dated March 20, 1998.

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-40, 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 provides for recontouring of the site to blend with the natural and surrounding topography, revegetation with native vegetation compatible with nearby grassland, oak woodland and chaparral vegetation, and an end use of cattle that is compatible with the surrounding area uses of cattle grazing, crop production, open space, mining, and the Santa Ynez River.

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.

Recontouring and revegetation of the site as provided for in the Reclamation Plan will allow for reversion to the end uses of cattle grazing, which is consistent with the Comprehensive Plan.

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 staff memo dated March 20, 1998 responds to issues raised by the Department of Conservation Office of Mine Reclamation letter of February 3, 1998. The revised reclamation plan, as conditioned, would address State comments and SMARA requirements. A written transmittal, including Planning Commission findings and conceptual action and responses to State comments, was sent with the conceptually conditionally approved Reclamation Plan and financial assurance to the State Department of Conservation in April 1998 for their approval. The State Department of Conservation determined that the Plan met State legislative and regulatory requirements (letter of May 20, 1998). State Department of Conservation comments on financial assurance estimates will be fully addressed by Condition 32 requirement for a revised financial assurance estimate and provision of a surety meeting state and county guidelines.

ATTACHMENT B: CONDITIONS OF APPROVAL

Sepulveda Mining Reclamation Plan 90-RP-001

I. Project Description

1. This Reclamation Plan is based upon and limited to compliance with the project description, the Reclamation Plan marked Attachment H dated 4/3/98, 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 Reclamation Plan 90-RP-001, dated 4/3/98 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.

The project, Mining Reclamation Plan 90-RP-01 (Acin Site #1), consists of phased reclamation of up to 96.5 acres of land mined for rock, stone and surface shale materials and a 3± acre storage area under the provisions of the State Surface Mining and Reclamation Act (SMARA). Reclamation is required for ground disturbances to depths of up to 50 feet below the surface, associated with the continuing operations of vested mining activity. The mining operations, (which are not part of the project) occur on portions of three legal parcels totaling 678.87 acres. The past and projected excavation site (Site 1A), as defined within the operator's lease agreement, encompasses 138.6 acres of adjacent 241.63 acre and 318.56 acre parcels. The reclamation plan area includes approximately 96.5 acres within the lease mine area which could potentially be disturbed by mining activities through the life of the mine (1956 - 2045) under current lease arrangement and would require reclamation. The materials processing and storage site (Site 1B) encompasses approximately three acres of a 118.68-acre parcel, which would require reclamation following closure of the mine.

Proposed reclamation would occur incrementally. Upon completion of excavation activity in an area, all excavated material other than the desired stone is replaced, recompact, and recontoured. Stockpiled topsoil is restored to the surface of the reclaimed area. The practice of stockpiling topsoil was initiated at the site in 1992. Reseeding, in accordance with the procedures and seed mix specified in the reclamation plan and recommendations of biologist Greg Donovan's report, would then be accomplished within six months following the annual report and just prior to the rainy season. Revegetation would be maintained until reclamation plan success criteria are achieved, as determined by County monitoring.

Final slopes too steep for successful revegetation using methods outlined in the reclamation plan would be hydroseeded. The property use after conclusion of mining and completion of reclamation activities would revert to cattle grazing (Site 1A) and agricultural equipment/ supplies storage (Site 1B)

Reclamation activities would occur on an ongoing basis such that an estimated 95% of mined areas would be reclaimed at the time mining operations cease, regardless of what year that occurs. Completion of reclamation recontouring and revegetation activities would occur within 12 months after mining operations cease, unless extended by the Lead Agency. The property would then revert to cattle grazing use

The materials processing and storage site (Site 1B) involves sorting and stacking of excavated material onto pallets. A portion of the pole barn is leased by the mining operation for use in storing excavated material to be processed during inclement weather, and for equipment storage. Proposed reclamation of the materials processing and storage site would entail removal of mining equipment and mined materials and recontouring/ revegetating the site as necessary within two years after cessation of mining activities, unless extended by the Lead Agency.

Annually, the operator would submit a Reclamation Plan Report to the County. In accordance with SMARA requirements, the County would monitor reclamation efforts and prepare an annual inspection report.

Performance Criteria. The Reclamation Plan identifies the following criteria which must be met in order for a determination of adequate reclamation of the site:

Revegetation. Attain 90% vegetative coverage of the area reclaimed to include no area larger than 200 square feet attaining less than 40% coverage, except for rock outcroppings.

Grading. Final grades shall be within 2-5 feet of natural contour, with stable slopes and no evidence of major slides, and/or or well-developed rilling or gullying. Final grading shall conform with Grading Ordinance setback requirements.

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 must be submitted for review and approval and shall be implemented as approved by the County.

II. Mitigation Measures from Negative Declaration 97-ND-40

Grading

2. Reclamation activities shall adhere to SMARA performance standards 3704 (Backfilling, Regrading, Slope Stability, and Recontouring) and 3706 (Drainage, Diversion Structures, Waterways, and Erosion Control), and the application of standard engineering grading procedures and County standards for erosion-control, drainage design, and revegetation. To be consistent with the State Performance Standards, §3704(d), for any final slopes exceeding 2 1/2: 1, a site-specific geologic and engineering analysis shall be submitted to Planning and Development for review and approval as part of the annual reclamation plan report. This analysis shall demonstrate that all proposed final slopes will have a minimum

slope stability factor of safety that is suitable for the proposed end use, and that the proposed final slopes can be successfully revegetated. All reclamation which involves grading shall be designed to minimize erosion and shall be conducted in accordance with the Santa Barbara County Grading Ordinance (Chapter 14 of the Santa Barbara County Code) and standard grading practices, including the following measures:

- a. Grading/ recontouring for reclamation shall be limited to the dry season (April 15 - November 1) unless approved by P&D Grading Division based on approved grading/ erosion-control measures.
- b. Graded areas shall be revegetated with species specified in the approved Reclamation Plan in the early fall to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

This requirement may be satisfied through a written statement regarding slope stability, grading and revegetation from the County Grading Inspector and the Planning and Development Geologist prior to approval of final Reclamation Plan.

Monitoring: Planning and Development and State Department of Mining and Geology staff shall monitor compliance with approved plan through annual inspections and review of annual reporting plan. (Mitigation Measure 1, 97-ND-40)

Boulder Disposition

3. Boulder stockpiles shall be disposed of as part of final reclamation in a manner satisfactory to Planning and Development Department and Public Works Department. Prior to final approval of the Reclamation Plan, the applicant shall submit a bond in an amount approved by Planning and Development Department to cover eventual removal and reclamation of boulder stockpile area. **Plan Requirements:** Prior to the completion of mining operations and final reclamation efforts, the applicant shall submit a plan to the satisfaction of Planning and Development Department and Public Works Department to the satisfaction of Planning and Development Department and Public Works Department specifying proposed disposition of boulders and reclamation of boulder storage area.

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance with approved plans through annual inspection and review of annual reporting plans. (Mitigation Measure 2, 97-ND-40)

Stream Protection

4. Reclamation activities shall adhere to Public Works/ Grading and Flood Control requirements, as well as any Federal permitting requirements to ensure that no significant impacts associated with stream channel modification or erosion/ siltation would occur. No boulders shall be placed within the stream channel, unless specifically permitted by applicable local and federal agencies.

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance through annual inspections and review of annual reporting plans. (Mitigation Measure 3, 97-ND-40)

Topsoil Stockpiling

5. Throughout remaining mining activities, all topsoil to a depth of 6 - 8 inches shall be removed and stockpiled on the site for later use with revegetation activities during reclamation. Reclamation activities shall adhere to the project description and conform with SMARA Performance Standard 3711 regarding Topsoil Salvage, Maintenance, and Redistribution, to ensure that impacts associated with loss of topsoil are less than significant.

Monitoring: Planning and Development Department and the State Department of Mines and Geology shall monitor compliance through annual inspection and review of annual reporting plans. (M M 4, 97-ND-40)

Dust Control

6. Dust generated by reclamation activities shall be kept to a minimum with a goal of retaining dust on the site. The following dust control measures will be adhered to throughout reclamation activities involving grading, earth moving or transportation of cut or fill materials:
 - a. Where feasible, water trucks or sprinkler systems are to be used to minimize dust from leaving the site and to create a crust after each day's activities cease.
 - b. Soil stockpiled for more than 60 days shall be treated to prevent dust generation.
 - c. The name and telephone number of an onsite contact person designated by the applicant to be responsible for dust mitigation shall be provided to the Air Pollution Control District prior to final approval of the Reclamation Plan.

Plan Requirements: All requirements shall be shown on grading plans. **Timing:** Condition shall be adhered to throughout all reclamation periods involving soil movement.

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints. (Mitigation Measure 5, 97-ND-40)

Revegetation

7. All reclaimed areas shall be revegetated as specified in the approved Sepulveda Reclamation Plan 90-RP-01 for Acin Site 1 and in accordance with SMARA performance standards. Revegetation will occur on an ongoing periodic basis in the fall prior to the rainy season according to the schedule specified in the approved reclamation plan. Revegetation activities will apply techniques identified by the State Department of Mines and Geology and biologist report (Donovon).

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance through annual inspections and review of reporting plans.

(Mitigation Measure 6, 97-ND-40)

Oak Preservation and Replacement

8. No oak trees shall be removed during reclamation activities. Any oaks damaged or lost from reclamation activities shall be replaced by the applicant within one year on a 10:1 ratio with 1-gallon seedlings or as specified by Planning and Development Compliance staff, and irrigated and maintained by the applicant during a 3-year establishment period or as specified by Planning and Development Compliance staff.

Monitoring: Planning and Development Department and Department of Mines and Geology staff shall monitor compliance with approved plan through photo-documentation provided by the applicant, annual inspections, and review of annual reporting plans. (M M 7, 97-ND-40)

Archaeological Resources

9. In the event archaeological remains are encountered during earthwork, work shall be stopped immediately or redirected until a Planning and Development Department - qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance through annual inspections and review of annual reporting plans, and shall spot check in the field. (Mitigation Measure 8, 97-ND-40)

Hazardous Materials

10. The applicant shall obtain a waiver or shall implement an approved Hazardous Materials Business Plan for storage and handling of hazardous materials, in accordance with the provisions of AB 2185/ 2187 and County regulations. **Plan Requirements and Timing:** Prior to final approval of the Reclamation Plan, the applicant shall obtain a waiver of approval of a Hazardous Materials Business Plan from the Fire Department. The plan shall be updated as required.

Monitoring: The Fire Department shall monitor as specified in the Business Plan.

(Mitigation Measure 9, 97-ND-40)

III. Project Specific Conditions

11. All mining shall cease upon expiration of lease arrangements or no later than June 30, 2045, unless extended by lease arrangement. In the event that the applicant anticipates mining operations to continue beyond the year 2045, the applicant shall apply for an extension of the Reclamation Plan. The Reclamation Plan shall be updated as needed as part of an extension. Extensions may be granted by the Planning Commission in annual increments as determined by the Commission.

IV. Conditions Unique to Reclamation Plans

12. 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.
13. 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.
14. 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.
15. 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.
16. If, after conducting the inspections required under condition no. 27, 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.

17. 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.
18. 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.
19. Within twelve (12) months of the cessation of mining operations, notwithstanding the idle mine provision in SMARA Section 2727, final reclamation recontouring and revegetation activities shall be completed in accordance with the approved reclamation plan. Reclamation and site clean-up shall be completed within two years of the cessation of mining operations, unless extended by the County to ensure successful reclamation.
20. 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.
21. 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

22. 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.
23. Compliance with Departmental letters:
 - Fire Department Letter dated August 7, 1992 (no conditions)
 - Environmental Health Services Letter dated August 31, 1997 (no conditions)
 - Park Department Letter dated August 7, 1992 (no conditions)
 - Air Pollution Control District Letter dated November 24, 1997
 - Flood Control District Letter dated November 25, 1997
 - Fire Department/ Hazardous Materials Letter dated November 7, 1997
 - Planning and Development/ Grading Division Letter dated December 3, 1997
24. 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.
25. 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.
26. Prior to issuance of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.

27. 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 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.
28. At the time of mine closure, reclamation of any areas mined by operators prior to Sepulveda Building Materials (shown on Exhibit 12) which were not reopened by Sepulveda, but subject to reclamation, will be the responsibility of the landowner.
29. Mine excavations of depths exceeding 25 feet within the area between 400 and 600 foot elevation contours in Subareas D, E, and F require prior applicant submittal of an engineering geology report for review and approval by Planning and Development. The report will address slope stability pertaining to temporary stockpiling of excavated material. Mining excavations shall conform with Grading Ordinance setback requirements.
31. If the annual SMARA report shows that in any year of operation operator has ten or more acres of open mined land (which exceed the eight acres historically open to date), Planning and Development shall have the authority to reevaluate the reclamation plan to ensure compliance with SMARA. This could include a request for revised geologic studies and plans.
32. Within thirty (30) days of final Planning Commission approval of the Reclamation Plan, the applicant shall resubmit a revised Financial Assurance Worksheet which will fully address the State Department of Conservation letter dated June 1, 1998. Upon review of the revised estimate by Planning and Development, the applicant shall be notified by Planning and Development to provide a surety that meets state and county guidelines. The surety shall be submitted within 30 days of notification by Planning and Development.



Albert J. McCurdy
Deputy Director, Development Review Division

For JOHN PATTON, DIRECTOR

7/27/98

- xc: Minute Book (original copy)
Case File: 90-RP-001
Permanent File
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Zoning Compliance
Permit Compliance
County Surveyor
Deputy County Counsel
Owner: Frank Acin, R.F.D. 114, Route 1, Lompoc, CA 93436
Operator: Sepulveda Bldg Materials, Lompoc, Inc., 2936 Sepulveda Boulevard, Torrance, CA 90505-2894
Agent: Sid Goldstien, Civil Engineer, Inc., 650 Alamo Pintado Rd., Ste. 302, Solvang, CA 93463
County Chief Appraiser
Planner: Barbara Shelton

g:\group\dev_rev\wp\lrp\sepulveda\698srcd.doc

EXHIBIT B - consisting of 10 pages

CONDITIONS OF APPROVAL

Sepulveda Mining Reclamation Plan 90-RP-001

I. Project Description

1. This Reclamation Plan is based upon and limited to compliance with the project description, the Reclamation Plan marked Attachment H dated 4/3/98, 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 Reclamation Plan 90-RP-001, dated 4/3/98 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.

The project, Mining Reclamation Plan 90-RP-01 (Acin Site #1), consists of phased reclamation of up to 96.5 acres of land mined for rock, stone and surface shale materials and a 3± acre storage area under the provisions of the State Surface Mining and Reclamation Act (SMARA). Reclamation is required for ground disturbances to depths of up to 50 feet below the surface, associated with the continuing operations of vested mining activity. The mining operations, (which are not part of the project) occur on portions of three legal parcels totaling 678.87 acres. The past and projected excavation site (Site 1A), as defined within the operator's lease agreement, encompasses 138.6 acres of adjacent 241.63 acre and 318.56 acre parcels. The reclamation plan area includes approximately 96.5 acres within the lease mine area which could potentially be disturbed by mining activities through the life of the mine (1956 - 2045) under current lease arrangement and would require reclamation. The materials processing and storage site (Site 1B) encompasses approximately three acres of a 118.68-acre parcel, which would require reclamation following closure of the mine.

Proposed reclamation would occur incrementally. Upon completion of excavation activity in an area, all excavated material other than the desired stone is replaced, recompact, and recontoured. Stockpiled topsoil is restored to the surface of the reclaimed area. The practice of stockpiling topsoil was initiated at the site in 1992. Reseeding, in accordance with the procedures and seed mix specified in the reclamation plan and recommendations of biologist Greg Donovan's report, would then be accomplished within six months following the annual report and just prior to the rainy season. Revegetation would be maintained until reclamation plan success criteria are achieved, as determined by County monitoring.

Final slopes too steep for successful revegetation using methods outlined in the reclamation plan would be hydroseeded. The property use after conclusion of mining and completion of reclamation activities would revert to cattle grazing (Site 1A) and agricultural equipment/supplies storage (Site 1B)

Reclamation activities would occur on an ongoing basis such that an estimated 95% of mined areas would be reclaimed at the time mining operations cease, regardless of what year that occurs. Completion of reclamation recontouring and revegetation activities would occur within 12 months after mining operations cease, unless extended by the Lead Agency. The property would then revert to cattle grazing use

The materials processing and storage site (Site 1B) involves sorting and stacking of excavated material onto pallets. A portion of the pole barn is leased by the mining operation for use in storing excavated material to be processed during inclement weather, and for equipment storage. Proposed reclamation of the materials processing and storage site would entail removal of mining equipment and mined materials and recontouring/ revegetating the site as necessary within two years after cessation of mining activities, unless extended by the Lead Agency.

Annually, the operator would submit a Reclamation Plan Report to the County. In accordance with SMARA requirements, the County would monitor reclamation efforts and prepare an annual inspection report.

Performance Criteria. The Reclamation Plan identifies the following criteria which must be met in order for a determination of adequate reclamation of the site:

Revegetation. Attain 90% vegetative coverage of the area reclaimed to include no area larger than 200 square feet attaining less than 40% coverage, except for rock outcroppings.

Grading. Final grades shall be within 2-5 feet of natural contour, with stable slopes and no evidence of major slides, and/or or well-developed rilling or gullying. Final grading shall conform with Grading Ordinance setback requirements.

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 must be submitted for review and approval and shall be implemented as approved by the County.

II. Mitigation Measures from Negative Declaration 97-ND-40

Grading

2. Reclamation activities shall adhere to SMARA performance standards 3704 (Backfilling, Regrading, Slope Stability, and Recontouring) and 3706 (Drainage, Diversion Structures, Waterways, and Erosion Control), and the application of standard engineering grading procedures and County standards for erosion-control, drainage design, and revegetation. To be consistent with the State Performance Standards, §3704(d), for any final slopes exceeding 2 1/2: 1, a site-specific geologic and engineering analysis shall be submitted to Planning and Development for review and approval as part of the annual reclamation plan report. This analysis shall demonstrate that all proposed final slopes will have a minimum

slope stability factor of safety that is suitable for the proposed end use, and that the proposed final slopes can be successfully revegetated. All reclamation which involves grading shall be designed to minimize erosion and shall be conducted in accordance with the Santa Barbara County Grading Ordinance (Chapter 14 of the Santa Barbara County Code) and standard grading practices, including the following measures:

- a. Grading/ recontouring for reclamation shall be limited to the dry season (April 15 - November 1) unless approved by P&D Grading Division based on approved grading/ erosion-control measures.
- b. Graded areas shall be revegetated with species specified in the approved Reclamation Plan in the early fall to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

This requirement may be satisfied through a written statement regarding slope stability, grading and revegetation from the County Grading Inspector and the Planning and Development Geologist prior to approval of final Reclamation Plan.

Monitoring: Planning and Development and State Department of Mining and Geology staff shall monitor compliance with approved plan through annual inspections and review of annual reporting plans. (Mitigation Measure 1, 97-ND-40)

Boulder Disposition

3. Boulder stockpiles shall be disposed of as part of final reclamation in a manner satisfactory to Planning and Development Department and Public Works Department. Prior to final approval of the Reclamation Plan, the applicant shall submit a bond in an amount approved by Planning and Development Department to cover eventual removal and reclamation of boulder stockpile area. Plan Requirements: Prior to the completion of mining operations and final reclamation efforts, the applicant shall submit a plan to the satisfaction of Planning and Development Department and Public Works Department to the satisfaction of Planning and Development Department and Public Works Department specifying proposed disposition of boulders and reclamation of boulder storage area.

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance with approved plans through annual inspection and review of annual reporting plans. (Mitigation Measure 2, 97-ND-40)

Stream Protection

4. Reclamation activities shall adhere to Public Works/ Grading and Flood Control requirements, as well as any Federal permitting requirements to ensure that no significant impacts associated with stream channel modification or erosion/ siltation would occur. No boulders shall be placed within the stream channel, unless specifically permitted by applicable local and federal agencies.

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance through annual inspections and review of annual reporting plans. (Mitigation Measure 3, 97-ND-40)

Topsoil Stockpiling

5. Throughout remaining mining activities, all topsoil to a depth of 6 - 8 inches shall be removed and stockpiled on the site for later use with revegetation activities during reclamation. Reclamation activities shall adhere to the project description and conform with SMARA Performance Standard 3711 regarding Topsoil Salvage, Maintenance, and Redistribution, to ensure that impacts associated with loss of topsoil are less than significant.

Monitoring: Planning and Development Department and the State Department of Mines and Geology shall monitor compliance through annual inspection and review of annual reporting plans. (M M 4, 97-ND-40)

Dust Control

6. Dust generated by reclamation activities shall be kept to a minimum with a goal of retaining dust on the site. The following dust control measures will be adhered to throughout reclamation activities involving grading, earth moving or transportation of cut or fill materials:

- a. Where feasible, water trucks or sprinkler systems are to be used to minimize dust from leaving the site and to create a crust after each day's activities cease.
- b. Soil stockpiled for more than 60 days shall be treated to prevent dust generation.
- c. The name and telephone number of an onsite contact person designated by the applicant to be responsible for dust mitigation shall be provided to the Air Pollution Control District prior to final approval of the Reclamation Plan.

Plan Requirements: All requirements shall be shown on grading plans. Timing: Condition shall be adhered to throughout all reclamation periods involving soil movement.

Monitoring: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints. (Mitigation Measure 5, 97-ND-40)

Revegetation

7. All reclaimed areas shall be revegetated as specified in the approved Sepulveda Reclamation Plan 90-RP-01 for Acin Site 1 and in accordance with SMARA performance standards. Revegetation will occur on an ongoing periodic basis in the fall prior to the rainy season according to the schedule specified in the approved reclamation plan. Revegetation activities will apply techniques identified by the State Department of Mines and Geology and biologist report (Donovon).

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance through annual inspections and review of reporting plans.

(Mitigation Measure 6, 97-ND-40)

Oak Preservation and Replacement

8. No oak trees shall be removed during reclamation activities. Any oaks damaged or lost from reclamation activities shall be replaced by the applicant within one year on a 10:1 ratio with 1-gallon seedlings or as specified by Planning and Development Compliance staff, and irrigated and maintained by the applicant during a 3-year establishment period or as specified by Planning and Development Compliance staff.

Monitoring: Planning and Development Department and Department of Mines and Geology staff shall monitor compliance with approved plan through photo-documentation provided by the applicant, annual inspections, and review of annual reporting plans. (M M 7, 97-ND-40)

Archaeological Resources

9. In the event archaeological remains are encountered during earthwork, work shall be stopped immediately or redirected until a Planning and Development Department - qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

Monitoring: Planning and Development Department and State Department of Mines and Geology shall monitor compliance through annual inspections and review of annual reporting plans, and shall spot check in the field. (Mitigation Measure 8, 97-ND-40)

Hazardous Materials

10. The applicant shall obtain a waiver or shall implement an approved Hazardous Materials Business Plan for storage and handling of hazardous materials, in accordance with the provisions of AB 2185/ 2187 and County regulations. **Plan Requirements and Timing:** Prior to final approval of the Reclamation Plan, the applicant shall obtain a waiver of approval of a Hazardous Materials Business Plan from the Fire Department. The plan shall be updated as required.

Monitoring: The Fire Department shall monitor as specified in the Business Plan.

(Mitigation Measure 9, 97-ND-40)

III. Project Specific Conditions

11. All mining shall cease upon expiration of lease arrangements or no later than June 30, 2045, unless extended by lease arrangement. In the event that the applicant anticipates mining operations to continue beyond the year 2045, the applicant shall apply for an extension of the Reclamation Plan. The Reclamation Plan shall be updated as needed as part of an extension. Extensions may be granted by the Planning Commission in annual increments as determined by the Commission.

IV. Conditions Unique to Reclamation Plans

12. 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.
13. 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.
14. 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.
15. 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.
16. If, after conducting the inspections required under condition no. 27, 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.
17. 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.
 18. 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.
 19. Within twelve (12) months of the cessation of mining operations, notwithstanding the idle mine provision in SMARA Section 2727, final reclamation recontouring and revegetation activities shall be completed in accordance with the approved reclamation plan. Reclamation and site clean-up shall be completed within two years of the cessation of mining operations, unless extended by the County to ensure successful reclamation.
 20. 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.
 21. 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

22. 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.
23. Compliance with Departmental letters:
 - Fire Department Letter dated August 7, 1992 (no conditions)
 - Environmental Health Services Letter dated August 31, 1997 (no conditions)
 - Park Department Letter dated August 7, 1992 (no conditions)
 - Air Pollution Control District Letter dated November 24, 1997
 - Flood Control District Letter dated November 25, 1997
 - Fire Department/ Hazardous Materials Letter dated November 7, 1997
 - Planning and Development/ Grading Division Letter dated December 3, 1997
24. 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.
25. 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.
26. Prior to issuance of Land Use Permits, the applicant shall pay all applicable P&D permit processing fees in full.

27. 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 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.
28. At the time of mine closure, reclamation of any areas mined by operators prior to Sepulveda Building Materials (shown on Exhibit 12) which were not reopened by Sepulveda, but subject to reclamation, will be the responsibility of the landowner.
29. Mine excavations of depths exceeding 25 feet within the area between 400 and 600 foot elevation contours in Subareas D, E, and F require prior applicant submittal of an engineering geology report for review and approval by Planning and Development. The report will address slope stability pertaining to temporary stockpiling of excavated material. Mining excavations shall conform with Grading Ordinance setback requirements.
31. If the annual SMARA report shows that in any year of operation operator has ten or more acres of open mined land (which exceed the eight acres historically open to date), Planning and Development shall have the authority to reevaluate the reclamation plan to ensure compliance with SMARA. This could include a request for revised geologic studies and plans.
32. Within thirty (30) days of final Planning Commission approval of the Reclamation Plan, the applicant shall resubmit a revised Financial Assurance Worksheet which will fully address the State Department of Conservation letter dated June 1, 1998. Upon review of the revised estimate by Planning and Development, the applicant shall be notified by Planning and Development to provide a surety that meets state and county guidelines. The surety shall be submitted within 30 days of notification by Planning and Development.

Planning Commission Agenda of June 10, 1998
Sepulveda Mining Reclamation Plan, 90-RP-001
Conditions of Approval
Page B-10



Albert J. McCurdy
Deputy Director, Development Review Division

For JOHN PATTON, DIRECTOR

7/27/98

xc: Mimute Book (original copy)
Case File: 90-RP-001
Permanent File
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
Zoning Compliance
Permit Compliance
County Surveyor
Deputy County Counsel
Owner: Frank Acin, R.F.D. 114, Route 1, Lompoc, CA 93436
Operator: Sepulveda Bldg Materials, Lompoc, Inc., 2936 Sepulveda Boulevard, Torrance, CA 90505-2894
Agent: Sid Goldstien, Civil Engineer, Inc., 650 Alamo Pintado Rd., Ste. 302, Solvang, CA 93463
County Chief Appraiser
Planner: Barbara Shelton

g:\group\dev_rev\wp\vp\sepulveda\698srcd.doc



**PLANNING & DEVELOPMENT
PERMIT APPLICATION**

TYPE OF WORK: (Check all that apply) Mining Reclamation

1. New Addition Ext. Alteration Int. Remodel Change of Use Demo Move Exemption
2. Building Grading Retaining Wall Landscaping Tree/Veg. Removal Sign
- Electrical Plumbing Mechanical Other Reclamation

SITE ADDRESS: Santa Rosa Road at Hwy 1

PROJECT DESCRIPTION SUMMARY: Mining Reclamation Plan for rock surface mine

Assessor Parcel No.(s): 083-060-09 & 15
083-070-18

Parcel Size: Reclamation area is 121 Ac.

Did you have a Planner Consult? No Yes

1. Owner: Sepulveda Building Materials, Inc. Phone: 310-325-9905 FAX: _____
Mailing Address: 2936 Sepulveda Blvd. Torrance, CA 90505-2894
2. Agent: Sid Goldstien Phone: 805-688-1526 FAX: 688-6582
Mailing Address: 650 Alamo Pintado Rd. #302 Solvang, CA 93463
3. Arch./Designer: N/A Phone: _____ FAX: _____
Mailing Address: _____ State/Reg Lic# _____
4. Engineer/Surveyor: Sid Goldstien Phone: Above FAX: _____
Mailing Address: Above State/Reg Lic# C33042
5. Contractor: N/A Phone: _____ FAX: _____
Mailing Address: _____ State/Reg Lic# _____
6. Soils Lab: N/A Phone: _____ Reg. _____

PARCEL INFORMATION: (Check each that apply. Fill in all blanks or indicate "N/A")

1. Existing Use: Agric SFD Duplex Multi-Family Retail Office Indus Other mining
2. Proposed Use: Agric SFD Duplex Multi-Family Retail Office Indus Other mining
3. Existing: N/A # of Buildings _____ Gross Floor Area: _____ Age of Oldest Structure _____
4. Proposed: N/A # of Buildings _____ Gross Floor Area _____
5. Parking Spaces: Existing # N/A Proposed Total # _____ Handicapped # _____
6. Utilities: Water: public private Sew. Disposal: public private Fuel: ntrl gas LPG electric
7. Grading (cu. yd.): N/A Cut _____ Fill _____ Stockpiling _____ Import _____ Export _____
8. Max % Slope: Parcel 2:1 Work site: 2:1 Max Height: Cu/fill combined slope 50 Retaining wall N/A
9. Tree removal: No Yes # _____ Vegetation removal: No Yes Sq. Ft./acres: mine areas
10. Estimated work value \$ N/A

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with the rescission of such permits, including but not limited to any litigation costs.

[Signature]
Applicant Signature

Agent for Sepulveda
Title

10/12/98
Date

RECEIVED

AUG 24 1995

SBAPCD

REGULATORY MANAGEMENT DEPARTMENT

Departmental Sign-Off Sheet

Case No. 90-RP-001

Project Name SEPULVEDA REG. PLAN

APN 083-000-0915

Project Address SANTA ROSA ROAD

We approve project development with all construction conditions prior to the Resource Management Department issuing a fully approved Land Use Permit or Resource Development Permit for this project. In future if these conditions are not fully complied with, the applicant must have this form signed by an authorized person in their statement that approved a condition in a future project, and then return this form to the Resource Management Department when applying for a Land Use Permit or Resource Development Permit.

<u>NAME OF DEPARTMENT (Agency)</u>	<u>SIGNATURE</u>	<u>DATE</u>
1. Fire		
a) Santa Barbara County		
b) Montecito		
c) Santa Barbara County		
d) Montecito		
2. Land Use Planning		
3. Planning Center		
4. Environmental Health Services		
5. Public Utilities		
6. Park		
7. Public Safety (see part 1)		
8. Public Works		
9. Sanitary District		
10. Santa Barbara County Planning	<i>[Signature]</i>	<i>24 Aug 95</i>
11. Other Information		

10/10/95

APPROVED	<i>[Signature]</i>
DATE	<i>8/24/95</i>
PROJECT NO.	<i>90-1-8812</i>

RESOURCE MANAGEMENT DEPARTMENT

Departmental Sign-Off Sheet

Case No. 90-RP-001

Project Name SEPULVEDA RECL. PLAN

APN 083-060-09,15

Project Address SANTA ROSA ROAD

An approved project must comply with all preconstruction conditions prior to the Resource Management Department issuing zoning clearance (Land Use Permit or Coastal Development Permit) for the project. To insure that these conditions are met, the developer, agent, or applicant must have this form signed by an authorized person in each department that required a condition or conditions, and then return the form to the Resource Management Department when applying for a Land Use Permit or Coastal Development Permit.

<u>NAME OF DEPARTMENT (Agency)</u>	<u>SIGNATURE</u>	<u>DATE</u>
1. Fire		
a) Santa Barbara County	_____	_____
b) Montecito	_____	_____
c) Carpinteria-Summerland	_____	_____
d) Mission Canyon	_____	_____
2. Landscape Planner	_____	_____
3. Flood Control	_____	_____
4. Environmental Health Services	_____	_____
5. Roads Division	_____	_____
6. Parks	_____	_____
Parks - Quimby Fees paid		
P&D GRADING		
X 7. Public Works	<i>Richard L. Resimone</i>	<i>8/26/76</i>
8. Sanitary District	_____	_____
9. Water District	_____	_____
10. Air Pollution Control District	_____	_____
11. Zoning Enforcement	_____	_____

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

Case No.: 98-LUN-540 Planner: Barbara Shelton Initials *BS*
Project Name: Sepulveda Mine Reclamation Plan (90-RP-001)
Project Address: Site 1A: 2195 Santa Rosa Rd; Site 1B: 3135 Sta Rosa Rd
A.P.N.: Site 1A: 083-060-009 and -015; Site 1B: 083-070-018
Zone District: Ag-II-100



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: December 23, 1998

POSTING DATE/APPEAL PERIOD BEGINS: December 24, 1998

APPEAL PERIOD ENDS: January 4, 1999

DATE OF PERMIT ISSUANCE: (if no appeal filed) January 5, 1999

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 with 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) 934-6262

PROJECT DESCRIPTION SUMMARY:

Reclamation Plan for Hard Roak Mine

PROJECT SPECIFIC CONDITIONS:

See Attached.

ASSOCIATED CASE NUMBERS: Reclamation Plan 90-RP-001

TERMS OF PERMIT ISSUANCE:

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.**

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
County of Santa Barbara
Planning and Development Department
624 West Foster Road, Suite C
Santa Maria, CA 93455-3623
Attention: Barbara Shelton

99-000143 : Rec Fee 59.00
Recorded : AU2 2.00
Official Records : Check 61.00
Co Santa Barbara :
Kenneth A Pettit :
Recorder :
Larry Herrera :
Assistant :
12:07pm 4-Jan-99 : PUBL BB 19

AGREEMENT TO COMPLY WITH CONDITIONS OF APPROVAL

OWNER owns real property, and LESSEE engages in mining, at property currently identified as Site 1A (Assessor Parcel Numbers 083-060-009 and 083-060-015), and Site 1B (Assessor Parcel Number 083-070-018), hereinafter referred to as the PROPERTY, located at 2195 Santa Rosa Rd. (1A) & 3135 Santa Rosa Rd. (1B) respectively, and more particularly described by the legal descriptions in attached Exhibit A.

MONITORING AND REPORTING. This agreement is made to ensure that all conditions of approval for the Sepulveda Mine Reclamation Plan 90-RP-001, listed in Exhibit B, attached hereto, are complied with and that all monitoring and reporting actions required of the OWNER and LESSEE shall be fulfilled.

SITE ACCESS. OWNER and LESSEE hereby agree to allow the County or its representatives onto the property to monitor and ensure compliance with the conditions of approval and/or to gather information relevant for reporting purposes and compliance with permit conditions.

FEES. The OWNER and LESSEE understand that all fees for monitoring compliance or enforcing conditions shall be paid by the OWNER or LESSEE as required by condition #27 of the approved Sepulveda Mine Reclamation Plan 90-RP-001.

PENALTIES FOR NON-COMPLIANCE. OWNER and LESSEE acknowledge that the County of Santa Barbara retains the right to bring any action necessary to require compliance by OWNER and LESSEE with all conditions of approval. The County of Santa Barbara further retains the right to seek all remedies and sanctions for non-compliance, either criminal or civil, as may be provided for by law.

RECORDATION OF AGREEMENT. This agreement shall be recorded and shall serve as notice of the restrictions and obligations contained herein to OWNER and LESSEE, all encumbrancers, and the successors and assigns in interest of OWNER, and all future lessees mining the property. This agreement shall affect the title and possession of the PROPERTY. All restrictions and obligations contained herein are to run with the land or any portion hereof and shall be binding upon the successors and assigns of OWNER. The OWNER and LESSEE may be released from this agreement upon County approval of final reclamation of the property, or if the permit has been superceded.

By signing this document, the OWNER and LESSEE agree to comply with all conditions of approval as listed in Exhibit B, attached hereto.

WE accept and agree to all terms, restrictions and obligations set forth in this agreement either expressly or by reference and incorporation.

Executed at Lompoc, California on the 17 day of December, 1998.

OWNER
By Frank Rein

Executed at TORRANCE, California on the 16 day of Dec, 1998

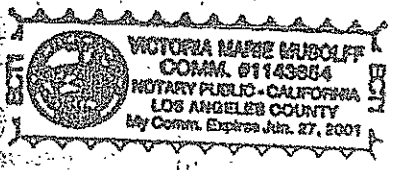
LESSEE
By John Connor Pres.
Sepulveda Building Materials, Inc.
(signature must be notarized)

VICTORIA MARIE BUSOLFF
COMM. 01143254
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
8-18-1998

STATE OF California
COUNTY OF Los Angeles

On Dec. 16, 98 before me, Victoria Musseloff
personally appeared John C. Connor NAME/TITLE, JAMES DOB, NOTARY SUBJECT

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Victoria Marie Musseloff
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER(S)

INDIVIDUAL(S)
 CORPORATE OFFICERS _____
TITLE _____

PARTNER(S) LIMITED GENERAL

ATTORNEY IN FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER _____

SIGNER IS REPRESENTING _____
NAME OF PERSON OR ENTITY

Certificate Of Acknowledgment

State of California

County of Santa Barbara

On DEC 17, 1998 before me, Susan M Crompt, a Notary Public for the State of California, personally appeared FRANK ACIN

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Susan M Crompt

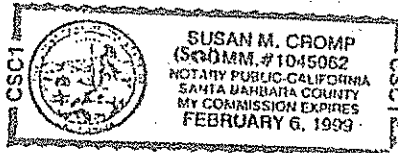


EXHIBIT A - consisting of 6 pages

Legal Description

Page 1

Those portions of the Rancho Canada De Salspuedes, in the County of Santa Barbara, State of California, according to the United States patent therefore, dated February 18, 1874 and recorded in Book "A", Page 189 of Patents, in the Office of the County Recorder of said County and of the tract of land in Rancho Santa Rita, in said County, designated as "Saunders and Fisk Tract" upon that certain map entitled "Map of a Portion of Santa Rita Rancho Santa Barbara County, California Compiled by F. F. Flounoy May 1906" recorded in the Office of the County Recorder of said County May 16, 1906 in Book 4, Page 16 of Maps and Surveys described as a whole as follows:

Beginning at Point "A" as shown on Map of Survey of "An Agreement Line between the Hollister Estate Company in Rancho Salspuedes and Fred Hayes, and Ann O. Dermody in Rancho Santa Rita", filed in Book 49, Page 76 of Record of Surveys, in the Office of the County Recorder of said County, from which a 2 inch pipe in mound of rock on "Piedras De Lumbre" as shown on said map bears South 8° 07' 25" East 2330.00 feet distant; thence in a general Southeasterly direction along said agreement line as shown on said map, the following courses and distances: South 48° 27' 10" East 1675.05 feet; South 72° 03' 05" East 681.88 feet, and South 89° 57' 00" East 1140.09 feet, to a point from which a 1/2 inch survey pipes bears South 400.00 feet; thence continuing along said agreement line, the following courses and distances: North 34° 45' 40" East 2015.36 feet; North 83° 39' 10" East (at 460.44 feet, Point "B" as shown on said Record of Survey Map) 1062.41 feet; South 80° 00' East 198.00 feet; South 50° 00' East 284.00 feet; South 719.20 feet; South 17° 00' East 864.18 feet; South 20° 00' West 462.00 feet; South 5° 00' West 462.00 feet; South 6° 00' East 792.00 feet; and South 39° 30' West 924.00 feet to the most Northerly corner of that certain portion of said Santa Rita Rancho described in the deed to the Hollister Estate Company, recorded April 14, 1961 as Instrument No. 13078 in Book 1841, Page 187 of Official Records of said County; thence along the East boundary of said last mentioned parcel of land the following courses and distances: South 21° 49' 30" West 584.00 feet; and South 7° 38' 50" West 1029.25 feet to the Southerly corner of said parcel and a point on said agreement line above referred to; thence continuing along said agreement line the following courses and distances: South 53° 30' East 947.44 feet; South 75° 30' East 728.00 feet; and South 47° 30' East 1320 feet to Point "C" as shown on said Record of Survey Map above referred to; thence continuing along said agreement line the following courses and distances: North 68° 30' East 924.00 feet; North 21° 00' East 891.00 feet; North 25° 00' West 2065.64 feet; North 601.30 feet; and North 45° 00' East 924.00 feet to Point "D" as shown on said Record of Survey Map above referred to; thence North 21° 55' West to a point on the North boundary line of said Rancho Canada De Salspuedes as shown on

Map of Rancho Canada De Salsipuedes Subdivided for W. W. Hollister by W. H. Norway, December 1882, recorded March 1, 1883 in Book 1, Page 11 of Maps and Surveys in the office of the County Recorder of said County; thence in a general Southeasterly direction along the Northerly boundary of Tracts 10, 6, 3, 2 and 1 of said Salsipuedes Rancho as shown on said Map last above referred to, to the most Easterly corner of said Tract 1 of said Rancho as shown on said map, said corner being also a point on the Westerly boundary of Rancho Santa Rosa; thence Southerly and Westerly along the Easterly and Southerly boundaries of said Rancho Canada De Salsipuedes being also along the boundary of Tracts 1, 2, 17, 18 and 4 of said Rancho as shown on map last above referred to, to a point where the Southerly boundary of said Rancho intersects the centerline of the Jalama Road, said point being also the Southeast corner of those portions of said Rancho Canada De Salsipuedes described in the deed to Johns-Manville Products Corporation, a Delaware corporation, recorded February 9, 1968 as Instrument No. 4680 in Book 2138, Page 970 of Official Records, records of said County; thence in a general Northwesterly direction along the Northeasterly boundary of said Johns-Manville Products Corporation property as described in said deed to the most Northerly corner of said property, said corner being also a point on the common boundary line between Rancho La Mission Meja De La Purisima and Rancho Canada De Salsipuedes and the point of intersection of the centerline of the Old San Julian Road with said common boundary line; thence in a general Northerly direction along said common boundary to a Point "A" hereinbefore described and the point of beginning.

Except the interest conveyed to the State of California, by deed recorded August 3, 1949 as Instrument No. 9539 in Book 867, Page 30 of Official Records.

Also except that portion of said land described in the deed to the State of California, recorded May 4, 1958 as Instrument No. 8719 in Book 1377, Page 201 of Official Records.

Also except that portion of the Rancho Canada De Salsipuedes, in the County of Santa Barbara, State of California, according to the United States Patent thereof, dated February 16, 1874 and recorded in Book "A", Page 169 of Patents, in the Office of the County Recorder of said County; described as follows:

Beginning at an angle point in the Northerly line of Lot 2 of the Rancho Canada De Salsipuedes, subdivided for W. W. Hollister by W. H. Norway, December 1882, and shown on map of said Subdivision recorded in Book 1, Page 11 of Maps and Surveys in the Office of the County Recorder of said County, at the Southwestery end of that certain course in said Northerly line shown on said

map as having a bearing of "North 78 1/4° East" and a length of "38.20 chains"; thence in a general Easterly direction following along said Northerly line of said Lot 2, to and along the Northerly line of Lot 1 of said Subdivision to the Northeast corner of said Lot 1 as shown on said map last above referred to, said corner being also a point on the Westerly boundary of Rancho Santa Rosa; thence Southerly and Westerly along the Easterly and Southerly boundary lines of said Lot 1 as shown on said map to the Southwest corner of said Lot 1, said corner being "Post S-47" of said Rancho Canada De Salsipuedes; thence Northeasterly along the Westerly line of said Lot 1 to it's intersection with the centerline of Santa Rosa Road, as the same is now located and established; thence in a general Northwesterly direction along said centerline of Santa Rosa Road to a point due South of the point of beginning; thence North to the point of beginning.

Also except that portion of said Rancho Canada De Salsipuedes described in deed to Fred Hayes et ux., recorded in Book 1841, Page 168 of Official Records, records of said County.

Also except that portion of said Rancho Canada De Salsipuedes described as follows:

PARCEL ONE:

Beginning at the centerline intersection of State Highway 1 (Cabrillo Highway) and Santa Rosa Road as said intersection is described in the right of way grant to the County of Santa Barbara, recorded February 7, 1950 in Book 898, Page 378 of Official Records, in the Office of the County Recorder of said County; thence Easterly along said centerline of Santa Rosa Road through the following curves and courses: North 81° 41' 12" East 140.39 feet to a tangent curve concave Northwesterly and having a radius of 954.93 feet; thence Northeasterly along the arc of said curve 541.39 feet; thence North 49° 12' 12" East, tangent to said curve, 290.82 feet to a tangent curve concave Southeasterly and having a radius of 718.20 feet; thence Northeasterly along the arc of last said curve 343.54 feet; thence North 76° 41' 12" East, tangent to last said curve, 170.63 feet to a tangent curve concave Southwesterly and having a radius of 520.87 feet; thence Easterly along the arc of last said curve 650.00 feet; thence South 31° 48' 48" East, tangent to last said curve, 1574.82 feet to a tangent curve concave Northeasterly and having a radius of 3000 feet; thence Southeasterly along the arc of last said curve 795.00 feet; thence South 46° 59' 48" East, tangent to last said curve, 242.19 feet to a tangent curve concave Northeasterly and having a radius of 1200 feet; thence Southeasterly along the arc of last said curve 755.53 feet; thence South 83° 04' 18" East, tangent to last said curve 551.48 feet to a tangent curve concave Northerly and having a radius of 2000

feet; thence Easterly along the arc of last said curve 361.87 feet; thence North 86° 33' 42" East, tangent to last said curve, 1225.94 feet to a tangent curve concave Northwesterly and having a radius of 1200 feet; thence Northeasterly along the arc of last said curve 770.91 feet; thence North 49° 45' 12" East, tangent to last said curve, 537.04 feet to a tangent curve concave Northwesterly and having a radius of 2291.83 feet; thence Northeasterly along the arc of last said curve 318.33 feet; thence North 41° 47' 42" East, tangent to last said curve, 673.02 feet to a tangent curve concave Southeasterly and having a radius of 954.93 feet; thence Northeasterly along the arc of last said curve 250.00 feet; thence North 56° 47' 42" East, tangent to last said curve 89.76 feet to a tangent curve concave Northwesterly and having a radius of 381.97 feet; thence Northeasterly along the arc of last said curve 350.22 feet; thence North 4° 15' 42" East, tangent to last said curve, 102.41 feet to a tangent curve concave Southeasterly and having a radius of 381.97 feet; thence Northeasterly along the arc of last said curve 319.83 feet; thence North 52° 14' 12" East, tangent to last said curve, 5.60 feet to a tangent curve concave Southerly and having a radius of 372.71 feet; thence Easterly along the arc of last said curve 482.45 feet; thence South 53° 35' 48" East, tangent to last said curve, 235.75 feet to a tangent curve concave Northeasterly and having a radius of 381.97 feet; thence, Southeasterly along the arc of last said curve 181.63 feet; thence South 80° 52' 12" East, tangent to last said curve, 73.28 feet to a tangent curve concave Southwesterly and having a radius of 477.48 feet; thence Southeasterly along the arc of last said curve, 186.04 feet; thence South 58° 32' 48" East tangent to last said curve, 128.32 feet to a tangent curve concave Southwesterly and having a radius of 600 feet; thence Southeasterly along the arc of last said curve 148.35 feet; thence South 44° 22' 48", East, tangent to last said curve, 402.36 feet to a tangent curve concave Southwesterly and having a radius of 600 feet; thence Southeasterly along the arc of last said curve 148.63 feet; thence South 30° 09' 28" East, tangent to last said curve 959.40 feet; thence North 81° 44' 00" East 1249.68 feet; thence South 69° 21' 52" East 1013.28 feet; thence North 83° 00' 28" East 923.32 feet; thence South 83° 23' 48" East 734.90 feet; thence South 68° 55' 23" East 453.12 feet; thence leaving said centerline of Santa Rosa Road, North 24° 41' 55" East 1102.45 feet to a point in the Northerly boundary of said Rancho Canada De Salspuedes; thence Easterly along said Northerly boundary through the following courses: South 34° 58' 30" East 782.26 feet; thence South 68° 58' 30" East 2442.00 feet; thence, leaving said Northerly boundary, South 352.65 feet to a point in the centerline of said Santa Rosa Road; thence Easterly along last said centerline through the following courses: North 86° 45' 25" East 2.07 feet; thence South 53° 19' 42" East 349.16 feet; thence South 26° 11' 23" East 636.59 feet; thence South 73° 21' 48" East 749.10 feet; thence South 32° 55' 23" East 880.38 feet to a point in the Southerly boundary of said Ranch, as shown on Map of Rancho Canada De Salspuedes

subdivided for W. A. Hollister by W. H. Norway, December 1882, recorded March 1, 1883 in Book 1, Page 11 of Maps and Surveys in the Office of the County Recorder of said County; thence Southerly and Westerly along the Easterly and Southerly boundaries of said Rancho Canada De Salspuedes being also along the boundary of Tracts 1, 2, 17, 18 and 4 of said Rancho as shown on map last above referred to, to a point where the Southerly boundary of said Rancho intersects the centerline of the Jalama Road, said point being also the Southeast corner of those portions of said Rancho Canada De Salspuedes described in the deed to Johns-Manville Products Corporation, a Delaware corporation, recorded February 9, 1966 as Instrument No. 4680 in Book 2139, Page 970 of Official Records, records of said County; thence in a general Northwesterly direction along the Northeasterly boundary of said Johns-Manville Products Corporation property as described in said deed to a point in said line which bears South $81^{\circ} 41' 12''$ West from the point of beginning; thence North $81^{\circ} 41' 12''$ East 2.80 feet to said point of beginning.

PARCEL TWO:

Beginning at the centerline intersection of State Highway 1 (Cabrillo Highway) and Santa Rosa Road as said intersection is described in the right of way grant to the County of Santa Barbara recorded February 7, 1950 in Book 898, Page 378 of Official Records, in the Office of the County Recorder of said County; thence Easterly along said centerline of Santa Rosa Road through the following curves and courses: North $81^{\circ} 41' 12''$ East 140.39 feet to a tangent curve concave Northwesterly and having a radius of 954.93 feet; thence Northeasterly along the arc of said curve 541.39 feet; thence North $49^{\circ} 12' 12''$ East, tangent to said curve, 290.82 feet to a tangent curve concave Southeasterly and having a radius of 718.20 feet; thence Northeasterly along the arc of last said curve 343.54 feet; thence North $76^{\circ} 41' 12''$ East, tangent to last said curve, 170.63 feet to tangent curve concave Southerly and having a radius of 620.67 feet; thence Easterly along last said curve, through a central angle of $35^{\circ} 45' 00''$ an arc distance of 326.00 feet; thence leaving said centerline of Santa Rosa Road, North $22^{\circ} 26' 12''$ East, radial to last said curve, 424.15 feet; thence North $22^{\circ} 58' 30''$ West 2280.86 feet; thence South $59^{\circ} 43' 33''$ West 2211.43 feet to a point in the Easterly line of the land described in deed to Johns-Manville Products Corporation, a Delaware corporation, recorded February 9, 1966 as Instrument No. 4680 in Book 2139, page 970 of Official Records, records of said County; thence in a general Southeasterly direction along said Easterly boundary to a point in a line which bears South $81^{\circ} 41' 12''$ West from the point of beginning; North $81^{\circ} 41' 12''$ East 2.80 feet to said point of beginning.

Page 6

Also except from the portions of said land lying within the lines of Rancho Santa Rita, all coal, lignite, coal oil, petroleum, naphtha, asphaltum, brea, bitumen, natural gas and all other hydrocarbons and like substances which exist upon, in, or under said lands as reserved in the deed from Union Oil Company of California, a corporation to F. C. Flek, dated September 21, 1908 and recorded in Book 126, Page 323 of Deeds, records of said County.

Also except from the portions of said land lying within the lines of the Rancho Canada De Salspuedes, the interests in the minerals, as said minerals are therein defined, as conveyed in deed from Hollister Estate Company to Jane M. Wheelwright and Clinton B. Hollister, as Executors of the will of J. J. Hollister, deceased, et al., recorded July 20, 1962 as Instrument No. 30286 in Book 1942, Page 816 of Official Records as said interests were modified and amended by that certain exchange of deeds between Peter Steffens and Ella Steffens, his wife, et al. and Hollister Company, a joint venture composed of D-G-J Investment Co., a corporation, and Harwen Company, a limited partnership, recorded August 12, 1965 commencing with Instrument No. 28566 in Book 2116, Page 871 of Official Records, and culminating with Instrument No. 26847 in Book 2116, Page 1207 of Official Records.

ATTACHMENT K:
MARCH 19, 1998 LEASE AMENDMENT

"TONS OF QUALITY"

March 2, 1998



From the desk of John Connors:
Sepulveda Building Mat., Lompoc, Inc.
2936 Sepulveda Blvd, Torrance, Ca. 90505
ph: 310-325-9905 Fax: 310-325-5340
lpleasex.398

Rock Removal Lease Site Amendment

THIS LEASE SITE AMENDMENT, made and entered at Lompoc, California, this 19th day of March, 1998, by and between Frank Acin, of Lompoc, California ("Lessor") and Sepulveda Building Materials, Lompoc, Inc., a California corporation ("Lessee").

Lessor and Lessee agree as follows:

Lessor, upon the terms and conditions, set forth in the Master Lease, entered into on the 12th day of June 1990, and covered by options, at the Lessee's choice, to extend to the year 2045 hereby grant all or any part of said lease and its options to be extended to include parcel number 83-060-09 comprising of 318.56 acres, in Lompoc California, in lessor's Ranch, therefore granting to the lessee the same rights and privileges to remove from the described premises rocks and stones. These premises are shown on the Assessor's parcel map attached hereto as Exhibit A.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and executed instrument in triplicate as of this 19th day of March, 1998.

LESSOR:

LESSEE:

SEPULVEDA BUILDING MATERIALS,
LOMPOC, INC., A CALIFORNIA Corporation

Frank Acin
FRANK ACIN

By: John C. Connors
JOHN C. CONNORS, President