

# **ATTACHMENT 2: CONDITIONS OF APPROVAL** **RECLAMATION PLAN**

## **Lompoc Stone (aka Sepulveda Sand) Revised Mining Reclamation Plan 10RVP-00000-00048 to 90-RP-001**

### **I. Project Description**

1. This Reclamation Plan is based upon and limited to compliance with the project description, the revised Mining Reclamation Plan dated August 8, 2017 included as Attachment 4 of the April 9, 2019 Board Letter, the Board hearing exhibits marked 1-7, and the 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 contained in the revised Mining Reclamation Plan document, which is included as Attachment 4 of the April 9, 2019 Board Letter, supplements this description. A summary of the project description follows:

**The proposed project includes a revised Reclamation Plan for the expansion of reclamation activities in the requested 28.5-acre expanded mining area. The revised Reclamation Plan (Case No. 10RVP-00000-00048) and the conditions of approval contained therein would supersede the existing Reclamation Plan and associated conditions of approval (Case No. 90-RP-001). In addition, the revised Reclamation Plan recognizes the as-built expansion of sorting and storage activities that have historically occurred at Site 1B as an accessory use to the vested mining operations.**

**Raw stone material mined from Site 1A is transported via truck to Site 1B where it is sorted, sized, and stored for sale. Activities include numerous cutting methods to produce fine cut stone products of various types which are then palletized for sale. Finished products are stored in this area until they are sold. Sorting and storage activities associated with the vested mining operation occupy a total of 6.5 acres of the site on AP Nos. 083-070-018 and 083-070-010. Sorting and storage activities associated with a vested mining operation are exempt from permit requirements. Site 1B is located on the north side of Santa Rosa Road, approximately 2.25 miles east of the intersection of Santa Rosa Road and Highway 1.**

**The existing Reclamation Plan is scheduled to expire on June 30, 2045 (per Condition No. 11 of 90-RP-001). The proposed project would expand the area covered under the Reclamation Plan from 96.5 acres to 122.0 acres at Site 1A and 6.5 acres at Site 1B. Approximately three of the 28.5 acres now proposed for vesting are included in the existing Reclamation Plan and contribute toward the currently approved 96.5 acre reclamation boundary. The description and information contained in the revised Reclamation Plan dated August 8, 2017 is incorporated into this project description by reference.**

**Onsite mining consists of the removal of topsoil and 1 to 2 feet of overburden to expose various loose stones and a layer of shale which exists near the surface but can reach depths of 50 feet or more (75 feet is the permitted maximum mining depth). The stones and shale are harvested and the mined areas are backfilled and reclaimed as mining proceeds. Mining and reclamation activities have historically occurred, and would continue to occur, from west to east. As mining is completed on westerly portions of the mine area, reclamation (re-contouring and re-vegetation) is commenced within one year. Exploratory pits are used to identify subsurface veins of rock and shale. These pits help focus mining in the location of desired material. Based on recent mining and exploratory work, the desired material extends to the north and northeast of the historic mining boundary and beyond the limits of the 1998 Reclamation Plan. The proposed revised Reclamation Plan therefore includes this northerly and northeasterly expansion area (enlarging mining within Site 1A from 96.5 acres to 122.0 acres), as shown on the project site plan.**

**On average, the mine produces approximately 60 tons of final product weekly, which equates to 25 to 26 pallets of cut flagstone. For every 40 tons of material removed from the site, approximately 32 tons become finished product and 8 tons of scrap material is placed back into the excavated mining area. Because of this removal of material, final slopes after reclamation would be from 2 feet to 5 feet lower than the ground surface prior to mining. Re-contouring would resemble the natural topography, but the site would be between 2 feet and 5 feet lower. On average, 1.02 acres are mined per year, but this varies widely because extraction depends on market demand and the percentage of marketable material available per acre. The mine operates during daylight hours only, typically from 7:00 am to 4:00 pm.**

**In addition to the mining activities which occur within Site 1A, the proposed revised Reclamation Plan would cover the sorting and storage area located on Site 1B. The revised Reclamation Plan states that within 3 years after the termination of mining operations, all mining product, waste, equipment and trash related to the operation shall be removed from the site, and that the site shall be left in a neat and orderly manner for continued use by the surrounding cattle ranching and farming operations.**

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## **II. Mitigation Measures from Negative Declaration 12NGD-00000-00022**

### **Aesthetics / Visual Resources**

- 3. Aes-01. Mining and Reclamation Phasing.** The Owner/Applicant shall conduct mining and reclamation operations in phases to limit the acreage of actively mined land at any given time. The mining operation shall be broken up into 14 subareas and marked on-site with stakes by a licensed surveyor. The subarea markers shall be maintained at all times. Not all 14 subareas will be mined; subarea 10 contains steep slopes and dense brush and shall not be disturbed. Mining in subareas 1 through 9 and 10 through 14 shall generally progress from west (1) to east (14), the exception being during the initial start-up when moving from the existing active quarry on APN -015 to the new mining subareas on APN -009. During that initial period there will be a northwest to southeast mining pattern across subareas 1, 2, and 3. As subarea mining is completed, the mine pit shall be filled in, recontoured, seeded and revegetated. Each subarea is expected to take approximately two years to complete mining. Refilling and recontouring shall typically occur within one year following completion of mining in a subarea. Seeding shall then occur prior to the rainy season following recontouring. At any one time, other than subareas 1, 2, and 3, only one subarea shall be in active mining and the previously mined area shall be in the process of refilling/recontouring and the second previous area would be under revegetation. In general, the area of mining and area in reclamation shall be approximately six acres at any one time within the 28.5 acres of APN -009. Market conditions and actual location of quarry product may result in different specific acreage or boundary of subareas. In the event that subareas require modification due to actual geologic conditions at the site, the applicant shall coordinate directly with P&D to adjust subarea boundaries within the 28.5 acre expansion area.

**PLAN REQUIREMENTS:** The phasing subareas shall be noted on site plans.

**TIMING:** Prior to Zoning Clearance issuance, the subareas shall be marked on-site with stakes by a licensed surveyor.

**MONITORING:** P&D compliance planner shall ensure measures are on plans. Maintenance of on-site subarea markings shall be monitored during annual SMARA inspections.

### **Air Quality**

- 4. Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.

- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
  - i. Seed and water to re-vegetate graded areas; and/or
  - ii. Spread soil binders; and/or
  - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans. The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to assure all dust control requirements are complied with including those covering weekends and holidays and order increased watering as necessary to prevent transport of dust offsite.

**TIMING:** The dust monitor shall be designated prior to Zoning Clearance. The dust control components apply from the beginning of any grading or construction throughout all mining and reclamation activities until reclamation is deemed by the County to be successfully completed and the financial assurances for reclamation have been released by the County.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D compliance staff and APCD staff may spot check. In additional annual SMARA inspection will be performed. APCD inspectors will respond to nuisance complaints.

## **Biological Resources**

5. **Bio-01. Mining Limits and Phasing.** Mining shall be confined to the "Mining Limits," as shown on proposed mining and reclamation plans. All mined areas shall be reclaimed as specified in the Project Description and in accordance with SMARA performance standards. Reclamation shall be phased-in on an ongoing basis as mining proceeds. Revegetation shall occur in the fall after mined areas have been recontoured and the topsoil has been re-applied.

**PLAN REQUIREMENTS AND TIMING:** This condition shall be printed on project plans and Final Reclamation Plan submitted for Zoning Clearance.

**MONITORING:** Planning and Development Department and California State Department of Conservation, Division of Mine Reclamation shall monitor compliance through annual SMARA inspections.

6. **Bio-02. Biological Survey.** To avoid potential impacts during future mining and reclamation activities, clearing, grubbing and grading of undisturbed areas occurring more than five years from May 2017 (or five years from subsequent biological surveys) shall be preceded by an updated, seasonally timed biological survey and report by the County-approved project biologist that meets the standards and requirements as listed in the County Environmental Thresholds and

Guidelines Manual. The survey shall encompass the entire mining site and the report shall be submitted to P&D for review and concurrence prior to initiation of mining and reclamation activities in undisturbed areas. If special status biological resources are found within the proposed activity area, appropriate avoidance and minimization measures shall be developed by a qualified biologist in consultation with the County and in accordance with the County Environmental Thresholds and Guidelines Manual, and incorporated into the project design.

**PLAN REQUIREMENTS AND TIMING:** This condition shall be printed on project plans and Final Reclamation Plan submitted for Zoning Clearance.

**MONITORING:** Planning and Development Department and California State Department of Conservation, Division of Mine Reclamation shall monitor compliance through annual SMARA inspections.

**7. Bio-03. Erosion and Sediment Control Measures.** Mine expansion and use of the storage area could affect water quality in the Santa Ynez River if erosion and sediment controls are not properly installed and maintained prior to, during and post construction. The following measures shall be implemented to avoid and minimize potential impacts to water quality and in accordance with Section 14-29 of the County Grading Ordinance:

1. Prior to start of clearing/grubbing, the mine expansion site boundaries of each block shall be clearly flagged or fenced to mark the limits of disturbance.
2. Prior to issuance of Zoning Clearance, the applicant shall prepare an Erosion and Sediment Control Plan consistent with the approved Reclamation Plan and the County Grading Ordinance. The Erosion Control Plan shall address both temporary and permanent measures to control erosion and reduce sedimentation to offsite areas. Erosion and soil protection shall be provided on all disturbed soil areas prior to the start of the rainy season (generally identified as October 15th). The following native seed mix shall substitute the use of wild oats (*Avena fatua*) and red oats (*Avena sativa*) specified in the Reclamation Plan, and is recommended for application on disturbed areas through either direct hand seeding or hydroseeding methods.

**Table 1. Native Grassland Erosion Control and Revegetation Seed Mix**

Species	Application Rate (lbs/acre)
<i>Bromus carinatus</i> (California brome)	5
<i>Hordeum brachyantherum</i> (meadow barley)	5
<i>Vulpia microstachys</i> (six weeks fescue)	10
<i>Stipa pulchra</i> (purple needlegrass)	3
<i>Trifolium willdenovii</i> (tomcat clover)	5
<b>Total</b>	<b>28</b>

The plan shall include specific Best Management Practice's (BMPs) to minimize impacts to water quality. For example, washing of equipment shall occur only in designated areas where polluted water and materials can be contained. BMP's for dust abatement shall also be a component of the project's construction documents.

3. Runoff from portions of the quarry expansion site shall be prevented from entering the swale feature in the center of the site. Future activities will need to implement protective measures to prevent runoff and soil erosion from entering the swale and reaching the Santa Ynez River. Quarry activities and access roads shall be designed to direct runoff away from the swale and the Santa Ynez River, as feasible. Similarly, runoff from the storage area should be managed to avoid sediment discharge into the river corridor. Detention and retention methods to treat stormwater shall be employed as directed by a qualified engineer and incorporated into the Erosion and Sediment Control Plan.
4. To avoid disturbance of wet soils, and limit the potential for erosion and downstream sedimentation, initial grading shall occur outside of the rainy season (October 15 – April 15).
5. All spills of hazardous materials shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during quarry operation. Cleaning and refueling of equipment and vehicles shall occur only within designated staging areas away from drainage features. No maintenance, cleaning or fueling of equipment shall occur within 100 feet of riparian areas or the swale feature identified in the central portion of the site. All equipment shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

**PLAN REQUIREMENTS AND TIMING:** The Erosion and Sediment Control Plan shall be submitted to P&D for review and approval prior to issuance of Zoning Clearance. The Erosion and Sediment Control Plan shall be in conformance with the approved Reclamation Plan.

**MONITORING:** Planning and Development Department and California State Department of Conservation, Division of Mine Reclamation shall monitor compliance through annual SMARA inspections.

- 8. Bio-04. Nesting Birds.** To minimize impacts to nesting bird species, including special-status species and species protected by the Migratory Bird Treaty Act (MBTA), a qualified biologist shall conduct a pre-construction survey for active bird nests within the impact area within one week prior to disturbance activities proposed to occur between February 15 and August 31. If nesting activity is identified during the preconstruction survey, the following measures should be implemented:

1. If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code Section 3503 are observed within the quarry area, then work should be modified and/or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate “no activity” buffers around the nest site developed by a qualified biologist. Construction activities shall not occur in the buffer until a biologist has determined that the nesting activity has ceased.
2. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of quarry activities, an appropriate buffer around the nest site (250 to 500 feet for raptors depending on location) shall be implemented. Construction activities in

- the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
3. Active nests shall be documented and monitored by a qualified biologist, and a letter report shall be submitted to the County and CDFW and other appropriate agencies, documenting project compliance with the MBTA and applicable project mitigation measures.

**PLAN REQUIREMENTS AND TIMING:** The Owner/Applicant shall submit the survey to P&D SMARA compliance staff for review and approval. Survey shall indicate whether all measures have been implemented prior to disturbance activities between February 15 and August 31.

**MONITORING:** Planning and Development Department and California State Department of Conservation, Division of Mine Reclamation shall monitor compliance through annual SMARA inspections.

9. **Bio-05. American Badger.** For mine expansion activities occurring over five years from May 2017 (or five years from subsequent biological surveys), updated field work shall be conducted by the County-approved project biologist to ensure site conditions remain unchanged. The survey shall encompass the entire mining site and the report shall be submitted to P&D for review and concurrence prior to initiation of mining and reclamation activities in undisturbed areas. A pre-construction survey for active badger dens shall be conducted within the impact footprint and immediately adjacent areas two weeks prior to any ground disturbing activities that would take place between March 1st and June 30th. This shall be done to confirm badgers have not moved into the area since the field work for this investigation was complete. In order to avoid potential direct impacts to adults and nursing young, no grading should occur within 50 feet of an active badger den. Construction activities between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:
  1. A qualified biologist shall conduct a biological survey two weeks prior to the start of construction;
  2. The survey shall cover the entire area proposed for quarry expansion;
  3. Surveys shall focus on any potential den sites (i.e., ground squirrel burrows or other hole greater than 4-inches in diameter), and the biologist shall evaluate whether dens are presently occupied;
  4. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as tracking medium) shall be used to assess the presence of badgers; and
  5. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
  6. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil

for three to five days. Access to the den shall be incrementally blocked to a greater degree over this period. This would likely cause the badger to abandon the den and move elsewhere. After badgers have stopped using any den(s) within the project boundary, the den(s) shall be hand-excavated with a shovel or carefully with the use of an excavator to prevent re-use.

7. The biologist shall be present during the initial clearing and grading activity. If additional badger dens are found, all work shall cease until the biologist can complete measures described above for inactive and active dens. Once the badger dens have been excavated, work on the site may resume.

**PLAN REQUIREMENTS AND TIMING:** The Owner/Applicant shall submit the new survey report to P&D SMARA compliance staff for review and approval and indicate all measures have been implemented prior to disturbance. This condition applies to areas that have not yet been mined and existing biological surveys are 5 years old or older.

**MONITORING:** Planning and Development Department and California State Department of Conservation, Division of Mine Reclamation shall monitor compliance through annual SMARA inspections.

**10. Bio-06. Tree Protection and Replacement.** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of any native tree.

1. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated as outlined below. Mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of a County-approved outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
2. To help ensure the long term survival of native trees, no permanent irrigation systems are permitted within six feet of the dripline of native trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
3. No oak trees shall be removed during reclamation activities. Any oaks damaged or lost from reclamation activities shall be replaced by the applicant on a 10:1 ratio with 1-gallon seedlings, within one year and shall be irrigated and maintained by the applicant during a 3-year establishment period.

**PLAN REQUIREMENTS:** These required tree protection and replacement measures shall be printed on project plans.



**TIMING:** This condition shall be printed on project plans submitted for Zoning Clearance.

**MONITORING:** Planning and Development Department and California State Department of Conservation, Division of Mine Reclamation staff shall monitor compliance with the approved plan through photo-documentation provided by the applicant and annual SMARA inspections. Replaced oaks shall be irrigated for three years, followed by two years without irrigation. Successful mitigation of the oaks shall be determined by an 80% or greater survival rate of the replacement oaks upon completion of the two-year non-irrigation period.

### **Cultural Resources**

- 11. CulRes-01. Fencing to Protect CA-SBA-2066.** Prior to the issuance of a Zoning Clearance that effectuates this revised Reclamation Plan, the applicant shall install a fence or other effective barrier around that portion of the recorded archaeological site that encroaches onto the subject property. The location of the fence shall be based on recommendations for the project archaeologist and approved by P&D.

**MONITORING:** Planning and Development Department staff shall require compliance with the measure prior to issuance of Zoning Clearance and through annual inspections and review of annual reporting plans required by SMARA.

- 12. CulRes-09. Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance of Zoning Clearance and P&D SMARA compliance staff shall spot check in the field during annual SMARA inspections.

### **Erosion Control**

- 13. GEO-01. Erosion and Sediment Control Plan.** A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board Construction General Permit Order 2009-0009DWQ and Erosion and Sediment Control Plan in accordance with Section 14-29 of the County Grading Ordinance shall be implemented as part of the project. Grading, erosion and sediment control plans shall be designed to minimize erosion during reclamation activities and shall be implemented for the duration of the project, until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. Best Management Practices (BMP) shall be used to stabilize the site, protect

natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems and keep contaminants and sediments onsite.

**PLAN REQUIREMENTS:** The grading and SWPPP and Erosion and Sediment Control Plan shall be submitted for review and approved by P&D prior to issuance of a Zoning Clearance. The plan shall be designed to address erosion, sediment and pollution control during all phases of reclamation activities until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading associated with reclamation activities and maintained throughout the year. The Erosion and Sediment Control Plan shall be implemented between November 1<sup>st</sup> and April 15<sup>th</sup> of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D staff shall perform annual SMARA site inspections throughout the project duration.

### **Hazardous Materials**

**14. Haz-01.** 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 issuance of Zoning Clearance, 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.

### **III. Conditions from 90-RP-001**

**15.** 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.

16. 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 the 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 the 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.

17. 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.

#### **IV. Project Specific Conditions**

18. All mining and related activities to occur under this Reclamation Plan shall cease upon expiration of the lease agreement, or no later than June 30, 2045. In the event that the applicant anticipates mining operations to continue beyond June 30, 2045, the applicant shall apply for an extension of the Reclamation Plan. The Reclamation Plan shall be updated and revised as needed as part of an extension in compliance with the County Land Use and Development Code Section 35.84 Post Approval Procedures.

## **V. Conditions Unique to the Reclamation Plan**

- 19.** The conceptual financial assurance shall be approved by the State Division of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of this plan and financial assurance and prior to issuance of a Zoning Clearance, 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.
- 20.** 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 Planning and Development staff determines that additional or new security must be posted, the applicant shall provide the required security within 30 days of notice from Planning and Development.
- 21.** Planning and Development may declare all or part of the security for reclamation forfeited if Planning and Development 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.
- 22.** 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.

- 23.** If, after conducting the inspections required under Condition No. 22, 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, as authorized by Section 35.84.060 (Revocations) of the Land Use and Development Code. 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.
- 24.** Within sixty (60) days of final reclamation plan approval, the applicant shall execute and record a "Notice of Reclamation Plan Approval" with the county recorder. The notice shall read: "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the County of Santa Barbara, a copy of which is on file with the Planning and Development Department. The notice shall also include the name of the owner of record of the mine operation, the name of the lead agency, and the acknowledged signature of the lead agency representative. This notice shall bind the applicant and any future owners of the mine and shall conform to the requirements of SMARA regarding an applicant statement of responsibility for reclamation.
- 25.** 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.
- 26.** 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 three years of the cessation of mining operations, unless extended by the County to ensure successful reclamation.
- 27.** Prior to mining activities in a particular area, but not to precede mining activities by more than one year without approval, topsoil shall first be removed and stockpiled adjacent to the mine pit. The location of all existing topsoil stockpiles shall be mapped and provided during annual SMARA inspections. After mining and backfilling activities have been completed, the topsoil shall be reapplied on finished slopes to promote successful revegetation. In the fall, the stockpiled topsoil shall be seeded (with Red Clover and Red Oats) to protect against erosion and to prevent nutrient leeching. The Reclamation Plan includes requirements for phased reclamation that minimizes the area disturbed at any one time.

28. 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.
29. 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. 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.
30. Prior to final approval of the Reclamation Plan by the County Planning Commission, the applicant shall identify designated equipment storage areas at Sites 1A and 1B in the Reclamation Plan.

## **VI. County Rules and Regulations**

31. Before work may commence under this revised Reclamation Plan, the applicant shall obtain a Zoning Clearance.
32. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
33. **Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
34. **Rules-25 Signed Agreement to Comply.** Prior to issuance of Zoning Clearance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
35. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
  1. Air Pollution Control District dated March 31, 2017;

2. Fire Department dated July 2, 2010;

**36. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading / construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

**37. Mitigation Rules-31 Mitigation Monitoring Required.** The Owner/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 Owner/Applicant shall:

1. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
2. Pay fees prior to approval of Zoning Clearance as authorized by 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 Owner/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;
3. Note the following on each page of grading and building plans "This project is subject to mitigation and/or condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Negative Declaration 12NGD-00000-00002."
4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

**38. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 this project. In the event that the County fails promptly to notify the Owner / 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.

April 9, 2019

Attachment 2 - Page 16



Our Vision  Clean Air

**RECEIVED**

**MAR 30 2017**

**S B COUNTY  
PLANNING & DEVELOPMENT**

March 31, 2017

Joseph Dargel  
Santa Barbara County  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**Re: APCD Suggested Conditions on Lompoc Stone (aka Sepulveda Building Materials) Mining Area  
Expansion and Reclamation Plan Revision, 10RVP-00000-00048 to 90-RP-001**

**[This letter supersedes the APCD letter dated July 7, 2010.]**

Dear Mr. Dargel:

The Air Pollution Control District (APCD) has reviewed the referenced project, which consists of a Revised Reclamation Plan for the expansion of reclamation activities in the requested 28.5-acre expanded mining area. The Reclamation Plan identifies two distinct areas: Area 1A is the mining area, and Area 1B is the sorting and storage area. The current activities are vested and covered by an approved Reclamation Plan (90-RP-001). The Revised Reclamation Plan recognizes the as-built expansion of sorting and storage activities that have historically occurred in Area 1B as an accessory use to the vested mining operations. The proposed project would expand the area covered under the Reclamation Plan from 96.5 acres to 122.0 acres at Area 1A and 6.5 acres at Area 1B, as well as extend the termination date for mining activities from June 30, 2045 to June 30, 2060. The proposed Revised Reclamation Plan would not alter the method of mining or increase the rate of production; it only addresses the expansion of the mining area and treatment of the site after mining. The subject properties total 986.81-acres, are zoned AG-II-100, are identified in the Assessor Parcel Map Book as APN's 083-006-009, & -015 (Area 1A) and 083-070-018 & -010 (Area 1B), and are located north of Santa Rosa Road and east of Highway 1, southeast of the City of Lompoc.

Operations at this facility are presumed exempt from APCD permitting requirements, as the facility does not:

- Process the mined material in any form (such as crushing or pulverizing the minerals);
- Operate any crushers, screens or conveyors;
- Operate any portable or stationary diesel or spark-ignited internal combustion engines (rated 50 bhp or greater) either powering equipment (such as crushers, screens or conveyors) or for onsite electrical power.

If any of these presumptions are incorrect, or change in the future, the applicant should contact APCD to discuss potential APCD permitting requirements.

Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to grading/building permit issuance.

Aeron Arlin Genet • Air Pollution Control Officer  
260 North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • 805.961.8800  
OurAir.org • twitter.com/OurAirSBC



*APCD Suggested Conditions on Lompoc Stone (aka Sepulveda Building Materials) Mining Area Expansion and Reclamation Plan Revision, 10RVP-00000-00048 to 90-RP-001*

*March 31, 2017*

*Page 2*

2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.
3. Prior to building permit issuance, **APCD Authority to Construct permits** must be obtained for all equipment that requires an APCD permit. Proof of receipt of the required APCD permits shall be submitted by the applicant to planning staff. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour. *The APCD permit process can take several months. To avoid delay, the applicant is encouraged to submit their Authority to Construct permit application to the APCD as soon as possible, see [www.ourair.org/permit-applications/](http://www.ourair.org/permit-applications/) to download the necessary permit application(s).*
4. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months. *If an APCD permit is required, proof of receipt of the APCD permits shall be submitted by the applicant to planning staff. The APCD permit process can take several months. To avoid delay, the applicant is encouraged to submit their Authority to Construct permit application to the APCD as soon as possible, see [www.ourair.org/permit-applications/](http://www.ourair.org/permit-applications/) to download the necessary permit application(s).*
5. Advisory: If the project area to be disturbed: a) is located in a geographic ultramafic rock unit; b) has naturally-occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator; or c) is discovered by the owner/operator, a registered geologist, or the Air Pollution Control Officer to have naturally-occurring asbestos, serpentine, or ultramafic rock after the start of any construction or grading; then appropriate abatement measures must be undertaken pursuant to the requirements of the Air Resources Board Air Toxic Control Measure (ATCM) for Construction, Grading, Quarrying and Surface Mining Operations (see [www.arb.ca.gov/toxics/asbestos/asbestos.htm](http://www.arb.ca.gov/toxics/asbestos/asbestos.htm)).
6. Advisory: The storage and transfer of diesel fuel is exempt from permit requirements under Rule 202 Section V.2 (*Storage and Transfer Equipment and Operations*) which exempts the storage of refined fuel oils with a gravity of 40° API or lower. Storage and transfer of other organic fuels may require an APCD permit. For more information see Rule 202 Section V.2 ([www.ourair.org/wp-content/uploads/rule202.pdf](http://www.ourair.org/wp-content/uploads/rule202.pdf)) or contact APCD's Engineering Division at 805-961-8800.
7. At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
  - Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.

*APCD Suggested Conditions on Lompoc Stone (aka Sepulveda Building Materials) Mining Area Expansion and Reclamation Plan  
Revision, 10RVP-00000-00048 to 90-RP-001  
March 31, 2017  
Page 3*

- Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
- See [www.arb.ca.gov/noidle](http://www.arb.ca.gov/noidle) for more information.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at [BarhamC@sbcapcd.org](mailto:BarhamC@sbcapcd.org).

Sincerely,



Carly Barham,  
Air Quality Specialist  
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Sid Goldstein  
TEA Chron File



**ATTACHMENT A**  
**FUGITIVE DUST CONTROL MEASURES**

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

**Plan Requirements:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and/or recorded with maps. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.





**ATTACHMENT B**  
**DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION REDUCTION MEASURES**

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-Use Off-Road Diesel Vehicles (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO<sub>x</sub>), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- Fleet owners of mobile construction equipment are subject to the CARB Regulation for In-Use (On-Road) Heavy-Duty Diesel-Fueled Vehicles (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO<sub>x</sub> and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. On-road heavy-duty trucks shall comply with the State On-Road Regulation. For more information, see [www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm](http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm).
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

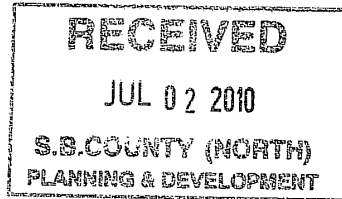
The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and/or recorded with maps. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

## Memorandum



DATE: July 2, 2010

TO: Gary Kaiser  
Planning and Development  
Santa Maria

FROM: Glenn Fidler, Captain  
Fire Department

A handwritten signature in dark ink, appearing to be "GF", written over a circular scribble.

SUBJECT: APN: 083-060-009/015, 083-070-010/018; Permit #: 10RVP-00048 to RP-00001  
Site: Santa Rosa Rd, Lompoc  
Project Description: Revised Mining Reclamation Plan

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Fire Department staff has reviewed the above referenced project and has no development conditions to place on the project as presented at this time.

The Fire Prevention Division must be notified of any changes to the project proposal. Further intensification of use or change in the project description may cause additional conditions to be imposed.

### ADVISORY

1. Permits for the use and storage of hazardous material / hazardous wastes are required prior to operation.

As always, if you have any questions or require further information, please call 805-681-5523 or 805-681-5500.

DP:mkb

- c Acin Trust, 5199 E. HWY 246, Lompoc 93436  
John Conners, Sepulveda Building Materials, Inc, 28092 Forbes Rd, Laguna Niguel 92677  
Sid Goldstien, 650 Alamo Pintado Rd, #302, Solvang 93463