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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: May 31, 2023

SUBJECT: Amendment to Conditional Use Permit (CUP)1994-2 Brown’s Supply; Reclamation Plan (REC) 1994-2 Brown’s Supply

EXECUTIVE SUMMARY

The applicant has applied to amend Conditional Use Permit (CUP) 1994-2 and Reclamation Plan (REC) 1994-2, proposing to remove the east pit of 4.97 acres within the existing mining boundary and update both the CUP and REC to restrict future mining operation to the west pit and add storage of foreign materials not generated on site. The reduction in mining boundary and the additional storage makes this update necessary per Surface Mining and Reclamation Act (SMARA) and the County code.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Brown’s Supply (Douglas A Brown)

Property Owner: Los Angeles Department of Water and Power

Site Address: 2372 Sunland Drive, Bishop, CA 93514

Community: Bishop, CA

A.P.N.: 12-100-13, 13-020-07-03

General Plan: Natural Resources (NR),Public Facilities (PF), General Industrial (GI)

Zoning: Open Space- 40 Acre Minimum (OS-40)

Size of Parcel: 24.43-acre lease of the larger 596.83-acre parcel(12-100-13), 18.37-acre lease of the larger 651-acre parcel(13-020-07-03)

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Mine/ Salvage Yard	Natural Resources (NR) Public Service Facilities (PF) and General Industrial (GI)	Open Space – 40-acre minimum (OS-40), Open Space – 40-acre minimum (OS-40) and Public (P)
North	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40) and Public (P)
East	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40)
South	Vacant/Open Space	Agriculture (A)	Open Space – 40-acre minimum (OS-40)
West	Vacant/Open Space	Natural Resources (NR)	Open Space – 40-acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Amendment to CUP 94-2 Brown’s Supply; REC 94-2 Brown’s Supply, with the Findings and Conditions as identified in the Staff Report and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the Amendment to CUP 1994-2 Brown’s Supply; REC 1994-2 Brown’s Supply.
- 2.) Approve the Amendment to CUP 1994-2 Brown’s Supply; REC 1994-2 Brown’s Supply with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Smith-Standridge, Associate Planner

STAFF ANALYSIS

Background and Overview

On July 27, 1994, the Planning Commission approved CUP 1994-2 and REC 1994-2. These permits allow for the mining of 10,000 tons of decomposed granite on two separate Department of Water and Power (DWP) parcels with a pit located on each parcel. Brown's Supply has mined these pits continuously based on product demand. The east pit on parcel 013-020-07 is out of material and has only been used as storage for material and equipment since the late '90s. Eventually, the 4.97-acre pit was encroached on by the salvage yard that is also owned by Brown’s Supply and is located adjacent to the east pit .

Inyo County code requires a salvage yard to have a CUP. Doug Brown, the President of Brown's Supply Inc., was informed he would need to amend: the salvage yard CUP 1985-

7; the mining CUP 1994-2; and, the REC 1994-2 to comply with both SMARA and County codes.

Last year, the applicant went through the process of expanding the salvage yard by amending CUP 1985-7. The Planning Commission approved the amendment on March 23, 2022. Brown's Supply has since submitted an additional, amendment, application to reduce the mining boundary and allow for the storage of foreign materials imported to the site such as sand, top soil, and rip rap. The request for this amendment makes the update to the mining CUP and REC necessary per the County's Surface Mining and Land Reclamation Ordinance 7.70, which requires approval by the Planning Commission.

Inyo County Code

Surface Mining and Land Reclamation in Inyo County is governed by Chapter 7.70 of the Inyo County Code which incorporates California's Surface Mining and Reclamation Act of 1975 ("SMARA", Public Resource Code Section [PRC] 271 et seq. and California Code of Regulations Section 3500 et seq.) The County is the "lead agency" (ref. PRC Section 2728) with State Mining and Geology Board-certified surface mining and reclamation Ordinance (ref. PRC Section 2774.)

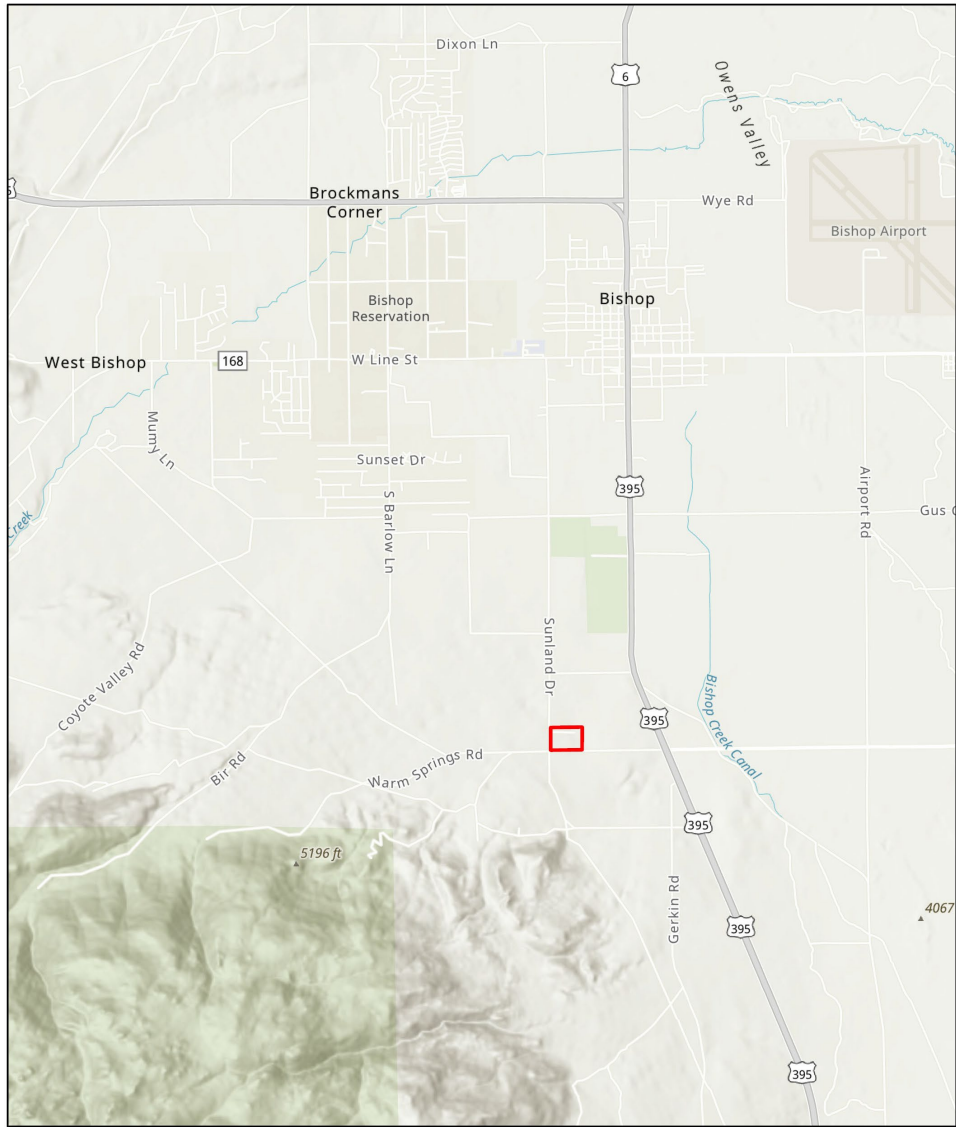
Planning Staff received a comment letter from the California Department of Mine Reclamation (DMR), dated September 19, 2022, in response to the County's request to review the amendment to the approved the mine's REC (Attachment). DMR staff provided substantial comments to be addressed.

The first comment was that PRC Section 2772(c)(6) requires that the REC include a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. In response to this comment, Brown's Supply has amended the REC text on pages 9 and 10 under the Reclamation and Reclamation Schedule and updated Figure 5. Additionally, Brown's Supply has been conditioned with a 13-year term.

The second comment concerns PRC Section 2772(c)(10). It requires that the REC include a signed statement in which the person submitting the plan accepts responsibility for reclaiming the mined lands per the REC.

Brown's Supply's has been conditioned to sign a statement within 30 days of approval, in response to this.

Vicinity Map



 Project Area

0 0.5 1 Miles

Site Map
West Pit



East pit



General Plan Consistency

The proposed project is consistent with the County General Plan designation of Natural Resource (NR) as the NR designation The County approved the original (CUP 1994-2, REC 1994-2) on July 27, 1994, which allows the mining of 10,000 tons of decomposed granite. Also, Section 08.4.4 of the General Plan's Goals and Policies states: 'protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts on the public and the environment.' Brown's Supply plays a role in the County's local production of decomposed granite. The decomposed granite is screened to various sizes depending on product demand for landscaping and soil amendments and is a component of building materials for construction industries. Both parcels will remain consistent with the General Plan since the planning commission has already approved the operator for the east pit of 4.97 acres to change to a salvage yard use. The west pit will continue to operate and complete reclamation in phases that meet the General Plan goals by minimizing the environmental impact.

Zoning Ordinance Consistency

The proposed amendment consists of reducing the size of the existing mining boundary and allowing the storage of foreign materials that are considered as continued mining uses. These uses include mining and processing natural resources. The proposed project is consistent with the County's zoning designation of Open Space (OS) as the OS designation allows for mining uses with a CUP.

NOTICING & REVIEW The amendment for CUP 94-2 Brown's Supply; REC 94-2 Brown's Supply has been reviewed by the appropriate County departments, the DMR, and the DWP.

ENVIRONMENTAL REVIEW

The amendment to CUP 94-2 Brown's Supply; REC 94-2 Brown's Supply is Categorically Exempt under CEQA Guidelines 153021, Existing Facilities – Class 1. Class 1 consists of “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.” The amendment is being applied for to reduce the mining boundary. No new construction is being proposed at this time; the site is already completely disturbed, and in use as a mine; and therefore, the project is exempt.

RECOMMENDATION

Planning Department staff recommends the approval of the Amendment to CUP 1994-2 Brown's Supply; REC 1994-2 Brown's Supply with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed CUP is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: Class 1 consists of the permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The amendment reduces the mining boundary, and allows storage of foreign material. No new disturbance or construction is being proposed at this time, the site is already completely disturbed, and in use as a mine; and therefore, the project is exempt.]

2. The proposed CUP is consistent with the Inyo County General Plan Land Use designation of (NR).

[Evidence: The proposed project is consistent with the County General Plan designation of NR. Section 08.4.4 of the General Plan's Goals and Policies states: 'protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts on the public and the environment'. Brown's Supply plays a role in the County's local production of decomposed granite. The decomposed granite is screened to various sizes depending on product demand for landscaping and soil amendments and is a component of building materials for construction industries. The operator will continue to complete reclamation in phases during mining to minimize environmental impacts. Therefore remains consistent with the General Plan.

3. The proposed CUP is consistent with the Inyo County Code designation of OS.

[Evidence: The proposed project is consistent with the County zoning designation of OS as it allows for mining uses, with a CUP. These uses include the mining and processing of natural resources. The proposed amendment consists of reducing the mining boundary with continued phased reclamation and storage of foreign material and continued mining uses; therefore, it remains consistent with county code designation of OS.]

4. The proposed amendment is necessary or desirable.

[Evidence: The leased mining area that is currently being used as a mine and the proposed reduction of the 4.97 salvage yard from the mining boundary will bring the site into conformance with County code and SMARA. Upon approval of the amendment the east pit will be retired as a mine and DMR will procedurally recognize it as reclaimed so it can be removed from the Mine identification numbers mining boundary.]

5. The proposed CUP is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed amendment proposes to reduce the size of an existing land use (mining). It will not substantially add to the current level of use of the site or the type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed CUP would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The amendment is being proposed to reduce the size of mining boundary. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the CUP for the site.
[Evidence: The use of the leased land as a mine requires a CUP per Inyo County Code Section 18.12.040; therefore, the CUP is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. **Term of CUP**
The term of the CUP shall not exceed 13 years from the date of approval, or no later than April 26, 2035. The total amount of decomposed granite that can be removed from this pit is 130,000 tons. If the 130,000 tons are removed prior to the termination date, reclamation shall proceed within six months of it. The Planning Commission may grant an extension upon the application of additional amendments to the CUP and the REC. To assure continued operation, the above application should be received prior to the expiration date.
2. **Term of Plan and Timing of Reclamation**
The term of the REC shall not exceed fifteen years from the date of approval, or no later than May 3, 2037. The Planning Commission may grant an extension upon the application of an additional amendment to the reclamation plan. To assure continued operation, the above application should be received prior to the expiration date and shall be updated for current SMARA requirements.
3. **Interim Management Plan**
Throughout the 13-year life of this project, the interim management plan shall be implemented during periods of "idle" operation. If zero production occurs for a period of five consecutive years, the reclamation plan shall be implemented immediately. Mining cannot occur until an amended reclamation plan is submitted and approved by the Planning Director.
4. **Compliance with County Code**
The applicant/operator shall conform to all applicable provisions of Inyo County Code. Failure to do so may result in the revocation of the CUP. If the use provided by this CUP is not established within one year of the approval date it the CUP shall become void.

5.Reclamation Plan Recording

All mining procedures and reclamation outlined in Brown's Supply Reclamation plan revised September 22, 2022 shall be recorded by the planning department upon approval. The recorded copy shall be the official reclamation plan that both the lead agency and operator will follow.

6.Compliance of Lease Agreement

The applicant shall obtain and adhere to the requirements of DWP Lease Agreement. DWP will enforce all conditions in the lease and notify Inyo County any violation of the lease. The applicant shall provide the county any updated lease agreements within 30 days of being executed. Failure to comply may cause revocation of 1994-2/ Brown Supply.

7.Reclamation Responsibility Statement

The applicant shall submit a notarized statement to the planning department accepting responsibility for reclaiming the lands as specified in the conditions of approval.

8.Area to be Reclaimed

This amendment to the reclamation plan removes 4.97 acres known as the east pit from the mining boundary as reclamation has been completed. The amended mining boundary will be located on one parcel. It will consist of 22.60 acres for the west pit, 0.91 acres access road, and .92 acres designated as a baseline vegetation area for monitoring . If mining occurs beyond these area's acreages, an amendment to this reclamation plan and CUP shall be required.

9.Top Soil Salvage

During mining, the top six inches of soil (topsoil) shall be stockpiled for use as a growth media at the conclusion of mining.

10. Maintenance of Topsoil

The topsoil stockpiles shall be maintained and shall be located on the mine site as depicted on the map of the pit.

11. Berm Between Borrow Pits

The operator shall maintain a berm between the other leased borrow pits adjacent to Brown's Supply pit. At the completion of mining removal of the berm between the adjacent borrow pits may be sold as product or spread over the bottom of the pit.

12.Depth of Mining

The applicant shall not mine deeper than 25 feet deep in the west pit. This shall be controlled by condition 13 below.

13.Mapping

Operator shall provide the County with a mine site map illustrating the approved area and any completed mining activity. The map shall include two-foot contours and is required to be updated every three years prior to the required yearly SMARA

inspection or on the day of the inspection. Failure to comply may cause revocation of 1994-2/ Brown Supply.

14. Slope of cut Banks

The cut banks shall be sloped at a 2 to 1 ratio.

15. Removal of Stockpiles

At the conclusion of mining, any remaining stockpiles or waste piles will be spread over the bottom of the pit.

16. Pit Scarification

The bottom of the pit and slope shall be scarified to promote plant growth.

17. Equipment Removal

All equipment shall be removed from the site before final reclamation and seed disbursement for revegetation can be started.

18. Plant Growth Media

Stockpiled topsoil and plant growth media will be distributed over the bottom of the pit and up contoured slopes to promote plant growth.

19. Access Road Reclamation

The access road to the west pit shall be scarified, covered with the stockpiled growth media and reseeded. Access shall be denied by an earthen berm at Sunland Drive.

20. Baseline Vegetation

The operator shall have a qualified vegetation specialist conduct a baseline vegetation study. A report will be prepared and submitted within 9 months of the approved amendment. The data will be used during reclamation to compare vegetation standards to determine the degree of success. Failure to comply may cause revocation of 1994-2/ Brown Supply.

21. Seed Collection and Species

Seeds will be collected on or near the site. Species that will be used are the following:

Species	Pounds/Acre
Artemisia tridentata (Big sagebrush)	4
Atriplex canescens (Four-wing Saltbush)	4
Atriplex confertifolia (Shadscale)	2
Chyrsothamnus nauseisus (Rabbitbrush)	2
Oryzopsis hymenoides (Indian Ricegrass)	4
Sitanion hystrix (Bottlebrush Squirrel tail)	4

22. Revegetation

The seed will be broadcast and then mixed into the top 1/2 inch of the substrate by either raking or dragging a chain across the seeded area, or another suitable method. The species selections for this pit are native to the area and are drought tolerant. Therefore, irrigation should not be needed and is not recommended for this site. Irrigation will only be considered as part of the remedial measures.

23. Revegetation standards

Reclamation efforts shall be measured each year. Reclamation shall not be considered complete on any portion of the leased area until the plant species become established on the disturbed portion. This requirement includes that plants must be at a density that matches 25% the plant density on the undisturbed portion and that the plant diversity reaches 60% of the diversity found on the undisturbed ground. This will be measured by the Inyo County Planning Department.

24. Financial Assurances

Financial assurances in the sum of \$54,567.10 are required in the form of a surety bond, irrevocable letter of credit, cash or certificate of deposit. Government agencies may also use budget set asides, or pledge of revenue to post their financial assurances. Financial assurances shall be posted with the Inyo County Planning Department. Said assurances shall be made payable to the County of Inyo and the Director of the California Department of Conservation

25. Financial Assurance Recalculation

Financial assurances shall be recalculated each year in accordance with Section 2773.1(a)(3) of SMARA and the Inyo County Code. This shall occur at the time of annual inspections.

26. Release of Financial Assurances

As required reclamation standards are achieved, the portion of financial assurances covering the completed reclamation activity may be released. The remainder of financial assurances covering revegetation and monitoring shall not be released until the revegetation performance standards are met.

Attachments:

A. Reclamation Plan Text

BROWN'S SUPPLY SUNLAND BORROW PIT | CUP 94-2 MINING AND RECLAMATION PLAN

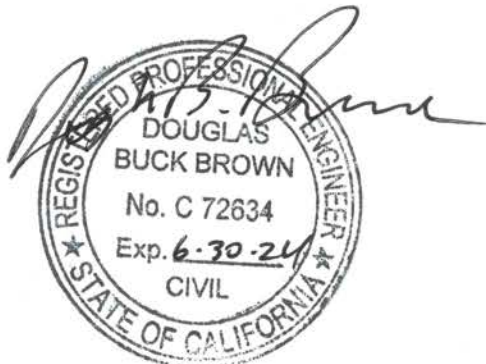
10/14/2021 Revised 09/22/2022

Prepared For:

Brown's Supply
219 Wye Road
Bishop, CA 93514
760-872-6911

Prepared by:

Douglas Buck Brown, P.E.



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INTRODUCTION AND BACKGROUND

Brown's Supply is applying to amend / revise the existing Mining Reclamation Plan for the Brown's Sunland Borrow Pit. The original plan (CUP 94-2) was approved in July of 1994 and covers property located in Inyo County in Township 7, South, Range 32 & 33 East Section 24 & 19 at an elevation of approximately 4000 feet. See Figure 1 below.

At the time of the original approval, the project was located on two sites, referred to as the "East Pit" and the "West Pit" which are on opposite sides of Sunland Drive, 2,000 feet south of Sunland Reservation Road, south of Bishop (APN 13-020-01 & 12-100-12) The property owner is the Los Angeles Department of Water and Power (LADWP). The East Pit is no longer in operation and awaiting final reclamation per County approval leaving active mining operations occurring within the West Pit only.

The operation was originally approved to mine up to 10,000 tons of decomposed granite per year and this remains in effect. The East Pit is 4.97 acres on an 18.4 acre lease. The West Pit is 23.51 acres including an access road off Sunland Drive. The property is zoned OS-40 (Open Space – 40 acres minimum)

The property and operation have adopted a negative declaration and was deemed exempt from negative environmental impact. See Appendix A for the Negative Declaration documentation.

The subject property began within an existing borrow pit previously disturbed by operations and contains no significant native vegetation suitable for wildlife.

Operator

Brown's Supply
219 Wye Road
Bishop, CA 93514
760-872-6911

Land Owner

Los Angeles Department of Water and Power (LADWP)
300 Mandich Street
Bishop, CA 93514
760-873-0370

General Plan Designation

Open Space and Agricultural Exclusive

Zoning

OS-40

Figure 1 – General Vicinity Map



Figure 2 – East Pit Site Map



-  Property Limits
-  Mine Limits
-  Disturbed Area (Reclaimed)
-  Active Mine Area

Landowner: Los Angeles Department of Water and Power
 300 Mandich Street
 Bishop, CA 93514

Operator: Brown's Supply
 219 Wye Road
 Bishop, CA 93514

APN: 13-020-07-03

Total Area: 18.37 Acres

Disturbed Area: 4.87 Acres

Area Reclaimed: 4.87 Acres (No longer actively mined)

Figure 3 – West Pit Site Map



**Southwest corner of property beyond the dry canal will not be disturbed. Disturbance shall not intrude within a 50' offset northwest of the ditch flow line. See attached site map. Northeast portion not shaded is within projected mine area and has yet to be disturbed.*

Landowner: Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Operator: Brown's Supply
219 Wye Road
Bishop, CA 93514

APN: 12-010-12

Total Area: 24.43 Acres

Disturbed Area: 16.67 Acres

Area Reclaimed: Active Mining

MINING PLAN

Mining Operation

Mining operations have previously been undertaken within two different pits. The east pit and the west pit as shown on the maps provided. The east pit was the first phase of mining and is no longer in operation. Slopes have been stabilized with adequate plant establishment and reclamation substantially achieved. The current and future mining operation will be conducted within the West Pit property. Excavations shall not go deeper than 25 feet from original surface gradient in the west pit as stipulated in the approved permit, and 35 feet deeper in the east pit.

No mining shall take place in the southwest corner of the property within a 50' offset north east of the canal ditch. See attached Maps Figure 5&6.

Mine Waste

Overburden, vegetation and/or oversize rock are the expected waste products generated on site. In general, the overburden topsoil will be stockpiled onsite and reused later during the reclamation process. Oversize cobbles may be sold or spread within the reclaimed surface provided they do not negatively impact the stability of the surface. Any other waste products generated, general housekeeping garbage or objectionable material will be disposed of at the adjacent landfill as necessary.

Foreign Material

During its operation, the mine property may accept various imported material from customers. The local industry has demonstrated a demand for facilities to accept material coming off construction sites, or development projects that is of sound quality to re-use on future projects.

Acceptable import material may include but is not limited to:

- Aggregate(s)
- Topsoil
- Sand
- Rock
- Boulders
- Riprap

Import material not acceptable to store onsite includes:

- Asphalt Grindings
- Local Manure

Imported material will be visually inspected prior to accepting onsite and all objectionable material will be sent to the adjacent landfill. Material stockpiled that is not generated onsite will be temporary and intended for resale within 6 months of acceptance, or as otherwise approved.

Processing

The first step in the production is removal of the overburden topsoil that will be stockpiled onsite, generally along the exterior berms to later be used during reclamation. The operation will then generally consist of excavating / dozing the material into a stockpile where it will be loaded in its existing state. There may be a dry screen (grizzly) operation to remove oversize as necessary per customer demand. There will be no need for any crushing or power screening to occur in this operation. The decomposed granite is a sellable product in its native state.

Typical equipment used to operate the borrow pit includes, but is not limited to the following (Equipment storage location will vary, but be within the mine site boundary during active operation, at the adjacent salvage yard or offsite for extended storage or when no longer needed):

- Dozer(s) – Excavate, doze material into stockpile, stabilize slopes.
- Front End Loader(s) – Load material for offsite transfer
- Motor Grader – Onsite road maintenance
- Water truck – Onsite dust suppression (haul roads, stockpiles, etc), material conditioning (as applicable)
- Dump truck(s) – General material transport on/off site, waste management, customer delivery

Production Water

The operation does not require water. No crushing or washing anticipated.

Erosion and Sediment Control

The soil conditions on site are highly permeable which allow storm water to drain freely onsite. The elevation of the pit(s) is generally below grade, and surface runoff discharge off site is not expected. Ongoing access road maintenance will maintain a safe entrance and occasional water truck usage will be available for dust suppression, as necessary.

Blasting

Blasting will not occur at this mine.

RECLAMATION

Land Use

The subject property has been a borrow pit for over 30 years and was previously disturbed prior to the CUP went into effect. The surrounding area is owned by LADWP and primarily used for recreation with adjacent surface mining and landfill operations in effect.

Visibility

The site is located entirely below ground within a “pit” surrounded by a berm on its perimeter and cannot be seen from adjacent public roads. Access is through a locked gate on the eastern entrance along Sunland Drive heading west into the pit. The east pit is also located below ground and accessed via a locked gate on the opposite side of Sunland Drive and cannot be seen from adjacent public roads.

Vegetation

The site was previously disturbed by farming practices prior to its initial approval and with minimal vegetation and wildlife habitat. The County Commission found the project site in favor of a less than “De Minimus” finding. Vegetation generally consists of sparse sagebrush and rabbit brush. See Appendix A for more details on the findings.

Wildlife

The site contains no measurable wildlife resource as defined in section 711.2 of Fish and Game code. As the project is a reclamation plan, in conjunction with a Conditional Use Permit, wildlife resources will be enhanced by the completion of the project and concurrent reclamation procedures during operations.

Reclamation and Reclamation Schedule

Reclamation of the mine occurs concurrently with the mining operations. Final reclamation will occur upon termination of the mining activities. The West Pit will be the only active mining area as of the time of this revised reclamation plan. Specific phasing of operations may be subject to change but generally be phased as follows:

Phase 1: Reclaim East Pit (2021) – Single Segment

- East pit has ceased operations and has been sloped and contoured with vegetation re-growth established. The east pit is no longer in operation as part of this mine plan and is currently being used for storage and processing of scrap metal under a separate amendment to the adjacent salvage business operation. (CUP 85-7). Remove area from West Pit permit under CUP amendment(s)

Phase 2: Mine West Pit (2021-Depletion)

- As mine floor approaches 25' depth in active walls within the pit, floor and slopes will be contoured and scarified as operation transitions into new area within the property. Specific locations may vary pending demand and seasonality. In general, the operation will begin reclamation as depths are reached at the following estimated sequence:

Mine Sequence	Active Mine Start	Reclamation
West Wall	2022 (Current)	December 2024
North Wall	January 2025	December 2027
East Wall	January 2028	December 2030
South Wall & Floor	January 2031	December 2035
Final Reclamation (see below)	December 2035	January 2036

- This will include ongoing survey control to verify elevations and plan operation accordingly
- Regular access road maintenance, stockpile management, and BMP upkeep are included within the active mining phase of this project.
- Time schedule subject to vary, based on demand.

Phase 3: Final Reclamation (2035)

- All slopes contoured, equipment removed, floor scarified, seed spread, and regrowth established. Necessary inspections and verifications to ensure site is safe, environmentally sound, and within conformance to regulatory requirements and provisions of this reclamation plan

Revegetation

The bottom of the pit (up to 25' below the original contour) as well as the access road will be scarified to promote plant growth. Overburden and/or topsoil stockpiled onsite shall be spread over the bottom and contoured slopes to promote plant growth. Seed will be collected on or near the site with the following species.

- *Artemisia tridentata* (Big Sagebrush)
- *Atriplex canescens* (Four-wing Saltbrush)
- *Atriplex confertifolia* (Shadscale)
- *Chrysothamnus nauseosus* (Rabbitbrush)
- *Oryzopsis hymenoides* (Indian Ricegrass)
- *Sitanion hystrix* (Bottlebrush Squirreltail)

Over most of the site, the seed will be broadcast and mixed into the top ½ inch of the substrate by either raking or dragging a chain across the seeded, or other suitable method.

Cleanup

Within 12 months of the completion of mining activities, all equipment will be removed from the project site. All debris will be removed and disposed of at the Inyo County Landfill as necessary.

Post-Reclamation and Future Mining

Reclamation consists of spreading topsoil and reseeding. The site will remain as a partially vegetated pond or hole consistent with surrounding vegetation. Slopes and surface treatments will be consistent with processes and descriptions stated in this reclamation plan in its post-reclamation state. This will have no effect on future mining because the topsoil can be removed again, and mining can take place. The decomposed granite (DG) will not be depleted by this operation nor by any of the other adjacent borrow pits in the area.

Slopes and Slope Treatment

Cut bank shall be sloped to approximately 2:1 in their final condition for safety and stability. The east pit has been sloped and stabilized and no additional mining activity is planned in the east pit.

Ponds, Reservoirs, Tailings, Waste

This operation does not require ponds, reservoirs, or tailings. Waste may include overburden and other stripping materials that will be incorporated into the reclamation as topsoil or disposed of at the adjacent Inyo County Landfill.

Drainage and Erosion Control

This operation operates in a closed system. Runoff from up slope is intersected by an old historical dry canal that serves as a flood control canal for all the borrow pits in the immediate area. No water can enter the pit from up slope. The pits are on a relatively level area of the alluvial fan. No water entering the pit from rain fall can escape the pit. The slopes of the pit may show small amounts of erosion into the pits. This will be taken care of in the daily operations of the mine. Rainfall in the area is very little. The rain that does fall is absorbed or evaporates very quickly.

Public Safety

All equipment and debris will be removed from site upon project completion. Public access to the site will be restricted by the site perimeter berm and fence and the locked access gates to the Brown's Sunland Borrow Pit. Any other access roads will be blocked with large boulders or berms. The reclaimed slopes will be of sufficient low gradient as not to cause a hazard to public safety if the public illegally trespasses onto the site past the berms, fences and signs.

Monitoring and Maintenance

The county, as the lead agency that implements SMARA, requires annual reporting of Mining and Reclamation activities. The reports are filed with the State Division of Mine Reclamation (DMR) and the County.

Baseline conditions of present environment are present in the Southwest corner of the property of the west pit. This area will not be disturbed and represents the existing condition of vegetation and surface conditions prior to mining disturbance.

Monitoring and maintenance of reclamation is an ongoing responsibility of Brown's Supply the lease holder. Brown's will take ownership of maintaining fencing, berms, gates, signs and general housekeeping of the premises and fulfilling the conditions of this reclamation plan. Brown's Supply will provide access as necessary for LADWP, the property owner, to monitor the reclamation maintenance activity.

Reclamation Assurance

The reclamation assurance shall be reviewed by the Lead Agency annually as required by the SMARA. Inyo County is the lead agency for SMARA compliance and will review the reclamation FACE and inspect the mine site annually.

In addition to the monitoring through inspections and reporting, the operator is required to assure reclamation of the site in accordance with the approved Reclamation Plan in compliance with Section 2773.1 of SMARA. The operator shall post financial assurance in the form of a surety bond, irrevocable letter of credit, cash, or certificate of deposit in sufficient amount to cover the costs associated with reclamation activity needed based on the annual FACE and shall continue to post reclamation assurance mechanisms in an amount sufficient to pay for the cost of reclamation as outlined in this plan. The financial assurances must be approved by and payable to the County and the California Department of Conservation.

GEOLOGY

The project site is located on an alluvial fan formed of sediment from the late Cenozoic period sloping gently to the east. Soils are deep and consist of decomposed granite.

HYDROLOGY

The site is not located within a flood zone and is not prone to experience any sort of flood concern. There is no water usage expected on the property

APPENDIX A – REFERENCE DOCUMENTS

Negative Declaration of Environmental Impact (1994)

Original Reclamation Plan and Conditional Use Permit #94-2 (1994)



Peter Chamberlin
Planning Director

PLANNING DEPARTMENT
DRAWER L • INDEPENDENCE • CALIFORNIA 93526
OFFICE: (619) 878-0263
FAX: (619) 872-2712

County of
INYO
FILED

SEP 13 1994

BEVERLY J. HARRY
INYO COUNTY CLERK
DEPUTY

**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION**

"De Minimus Impact Finding"

Project Title:

RECLAMATION PLAN #94-2 and CONDITIONAL USE PERMIT #94-2 BROWN

Location (Include County):

The project is located on two sites (one lease issued by the Los Angeles Department of Water and Power - Landowner) on both sides of Sunland Drive, 2,000 feet south of Sunland Reservation Road, south of Bishop (APN 13-020-01 & 12-105-12) Inyo County.

Name and Address of Project Proponent:

Brown's Supply
219 Wye Road
Bishop, Ca. 93514

Project Description:

A request to mine up to 10,000 tons per year of decomposed granite. Eastern site is 4.97 acres on a 18.4 acre lease. The western site is 23.51 acres including an access road off Sunland Drive. The property is zoned OS - 40 (Open Space - 40 acres minimum).

Findings of Exemption (include required findings):

A. Based upon the Initial Study and all written and verbal comments received, adopt the Negative Declaration of Environmental Impact and certify that the provisions of the California Quality Act have been satisfied.

B. The subject property is an existing borrow pit which has been disturbed, graded and contains no significant native vegetation suitable for wildlife. The site contains no

94-75-21406

measurable wildlife resource as defined in Section 711.2 of the Fish and Game Code. As the project is a Reclamation Plan in conjunction with a Conditional Use Permit, wildlife resources will be enhanced by the completion of the project (Reclamation Plan) and concurrent reclamation procedures during operations (Conditional Use Permit). As the site has been previously disturbed by prior farming practices and currently has both minimal vegetation and wildlife habitat, the Commission found in favor of a less than "De Minimis" finding for the subject application.

C. The project is consistent with the goals and policies of the Inyo County General Plan and the Reclamation Plan and Conditional Use Permit standards of the Inyo County Surface Mining and Reclamation Ordinance and the Inyo County Zoning Ordinance.

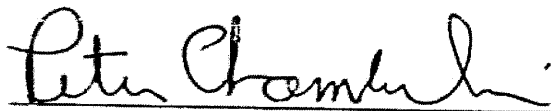
D. Since this project consists of a Mining Reclamation Plan that has adequate assessed financial assurances and standard revegetation procedures incorporated into both the Reclamation Plan and Conditional Use Permit, there is no potential for cumulative adverse impacts to wildlife and resources.

E. Based upon the Initial Study and hearing record of the Inyo County Planning Commission for the subject property, there is substantial evidence to rebut the legal presumption adverse effect on the types of resources listed in Section 753.5 (d), (A) through (G) of the Fish and Game Code.

The project site contains no wildlife resources as defined in Section 711.2 of Fish and Game Code.

Certification:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the Initial Study and hearing record, the project will not individually or cumulatively have any adverse impact on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.



**Peter Chamberlin, Planning Director
Inyo County Planning Department**

Date: September 12, 1994.



County of Inyo Planning Department

P.O. Drawer L, Independence, CA 93526
Peter Chamberlin, Director of Planning

Planning Office
Charles Thistlethwaite
Curtis Kellogg
Earl Gann
Sandy Miller

(619) 878-0263
FAX (619) 872-2712

Yucca Mountain Office

Brad Mettam
Janet Cross

(619) 878-0380
FAX (619) 878-0382

August 8, 1994

Mr. Earl V. Brown
219 Wye Road
Bishop, CA 93514

RE:

RECLAMATION PLAN #94-2 / CONDITIONAL USE PERMIT #94-2/ Brown's
Sunland Borrow Pit

NOTICE OF DECISION

On July 27, 1994 The Inyo Planning Commission held a public hearing to consider your Reclamation Plan Application #94-2 and Conditional Use Permit 94-2. The Reclamation Plan and Conditional use permit covers property located in Inyo County in Township 7 South, Range 32 & 33 East Section 24 & 19, MDMB, at an elevation of 4000 feet. Located on both sides of Sunland Drive one and a half miles south of the city of Bishop. The site is on LADWP land.

At the public hearing the Planning Commission considered the Report of Staff, all oral and written testimony, and approved both Reclamation Plan #94-2 and Conditional Use Permit #94-2 by taking the following actions:

A. Based upon the initial Study and all written and verbal comments received, adopt the Negative Declaration of Environmental Impact and certified that the provisions of the California Environmental Quality Act had been satisfied.

B. The subject property is an existing borrow pit which has been disturbed, graded and contains no significant native vegetation suitable for wildlife. The Site contains no measurable wildlife resource as defined in section 711.2 of Fish and Game Code. As the project is a reclamation plan, in conjunction with a Conditional use permit, wildlife resources will be enhanced by the completion of the project (Reclamation Plan) and concurrent reclamation procedures during operations (Conditional Use

Permit). As the site has been previously disturbed by prior farming practices and currently has both minimal vegetation and wildlife habitat. The Commission found in favor of a less than "De Minimus" finding for the subject application.

C. The project is consistent with the goals and policies of the Inyo County General Plan and the Reclamation Plan and Conditional Use Permit standards of and the Inyo County Surface Mining and Reclamation Ordinance and the Inyo County Zoning Ordinance.

D. Since this project consists of a mining reclamation plan that has adequate assessed financial assurances and standard revegetation procedures incorporated into both the Reclamation Plan and Conditional Use Permit, there is no potential for cumulative adverse impacts to wildlife and resources.

E. Based upon the initial study and hearing record of the Inyo County Planning Commission for the subject property, there is substantial evidence to rebut the legal presumption of adverse effect on the types of resources listed in section 753.5(d), (A) through (G) of the Fish and Game Code.

F. Approve Conditional Use Permit # 94-2 and Reclamation Plan #94-2/ Browns Sunland Borrow Pit subject to the following Conditions:

CONDITIONAL USE PERMIT

Top Soil Salvage

1. During mining, the top six inches of soil (topsoil) shall be stockpiled for use as a growth media at the conclusion of mining.

Maintenance of Topsoil

2. These topsoil stockpiles shall be maintained and shall be located on a surface map of the pit.

Depth of Mining

3. The applicant shall not mine deeper than 35 feet in the east pit and not more than 25 feet deep in the west pit. This shall be controlled by condition 7 below.

Berm Between Borrow Pits

4. The applicant shall maintain a berm (from natural ground level to depth of mining) between the west pit and the other borrow pits adjacent to it. This berm is to keep the operators in their own pit.

Reclamation Timing

5. Reclamation shall be ongoing. Mining shall be done in an orderly method so reclamation can be done on areas mined out. A map shall be provided that shows how mining and reclamation will take place.

Annual Inspections

6. The above mining and reclamation shall be reviewed at the time of the annual inspection. A comprehensive review shall take place every five years.

Survey Control

7. A LADWP Licensed Land Surveyor shall set benchmarks on the boundary lines to delineate the boundaries. The benchmarks shall control the depth of mining.

Storage of Equipment and Material

8. The applicant may store in the east pit, certified, clean, underground storage tanks. No other material may be stored in this pit.

No equipment may be stored in the west pit other than mining equipment used to extract decomposed granite. If no excavation will be done for more than thirty days, the equipment shall be removed.

Hold Harmless

9. The applicant, landowner, operator shall defend, indemnify and hold harmless Inyo 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 approval of the county, its advisory agencies, its appeal Board, or legislative body concerning Conditional Use Permit 94-2/ Browns Sunland Borrow Pit.

RECLAMATION PLAN CONDITIONS OF APPROVAL:

Top Soil Salvage and Mapping

1. During mining the top six inches of soil (topsoil) shall be stockpiled for use as a growth media at the conclusion of mining. The topsoil stockpiles shall be identified and maintained on a plot map of the pit.

Berm Removal

2. Additional mitigation shall be the removal of the berm between the west pit and adjacent borrow pits. The berm material may be sold as product or spread over the bottom of the pit.

Equipment Removal

3. All equipment shall be removed from the site before final reclamation and revegetation. All underground storage tanks stored in the east pit shall be removed before final reclamation and revegetation.

Removal of Stockpiles

4. At the conclusion of mining, any remaining stockpiles or waste piles will be spread over the bottom of the pit.

Slope of Cut Banks

5. The cut banks shall be sloped to a 2.5 to 1 or less for safety and stability reasons. The east pit may need material imported to reach the required slopes. If this is the case, material may come from the west pit.

Pit Scarification

6. The bottom of the pit and slope shall be scarified to promote plant growth.

Plant Growth Media

7. Stockpiled topsoil and plant growth media will be distributed over the bottom and contoured slopes to promote plant growth.

Access Road Reclamation

8. The access road to the west pit shall be scarified, covered with the stockpiled growth media and reseeded. Access shall be denied by an earthen berm at Sunland Drive.

Seed Collection and Species

9. Seed will be collected on or near the site. Species that will be used are the following:

<u>Species</u>	<u>Pounds/acre</u>
Artemisia tridentata (Big Sagebrush)	4.00
Atriplex canescens (Four-wing Saltbush)	4.00
Atriplex confertifolia (Shadscale)	2.00
Chyrsothamnus nauseisus (Rabbitbrush)	2.00
Oryzopsis hymenoides (Indian Ricegrass)	4.00
Sitanion hystrix (Bottlebrush Squirreltail)	4.00

Revegetation

9. Over most of the site, the seed will be broadcast and then mixed into the top 1/2 inch of the substrate by either raking or dragging a chain across the seeded, or other suitable method.

The species selections for this pit are native to the area and are drought tolerant. Therefore, irrigation should not be needed and is not recommended for this site. Irrigation will only be considered as part of the remedial measures.

Revegetation Standards

10. Reclamation efforts shall be measured each year. Reclamation shall not be considered complete on any portion of the lease until the species become established on the disturbed portion to a density of 25% the plants on undisturbed ground and the plant diversity reaches 60% of the undisturbed ground. This will be by measurement by the Inyo County Planning Department.

Area to Be Reclaimed

11. This reclamation plan covers the proposed 4.97 acre east pit, the 22.60 acre west pit, and the 0.91 acre access

road. If mining occurs beyond these acreages, an amendment to this reclamation plan and conditional use permit shall be required.

Reclamation Responsibility Statement

10. The applicant shall submit a notarized statement to the Planning Department accepting responsibility for reclaiming the lands as per the conditions specified herein.

Financial Assurances

11. Financial assurances in the sum of \$8,665.00 in the form of a surety bond, irrevocable letter of credit, cash, or certificate of deposit shall be posted with the Inyo County Planning Department. Said financial assurances shall be made payable to the County of Inyo and the California Director of Conservation. A comprehensive review of the mining and reclamation shall be conducted every five years.

Financial assurances Recalculation

12. Financial assurance shall be recalculated each year in accordance with Section 2773.1(a)(3) of SMARA and County code. This shall occur at the time of the annual inspection. As the Berm is developed between this pit and adjacent pits, the cost of removal shall be calculated into the amount of financial assurances.

Yearly Inspection By Inyo County

14. This Reclamation Plan shall be reviewed and the applicant's compliance with the conditions listed above shall be evaluated every year, as required by section 2774(b) of SMARA. At the same time, the amount of the financial assurances shall be reviewed and adjusted as needed. This shall be known as the annual inspection.

Hold Harmless

15. The applicant, landowner, operator shall defend, indemnify and hold harmless Inyo 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 annual approval of the county, its advisory agencies, its appeal Board, or legislative body concerning Reclamation Plan 94-2 / Browns Sunland Borrow Pit.

The California Fish and Game Code Section 711.4(e) and Inyo County Ordinance Number 904 requires a documentary handling fee of twenty-five dollars (\$25.00) be paid to the Inyo County Clerks Office for the filing of the Notice of Determination for your project as per the "de minimus" finding above. The documentary handling fee must be paid to the Inyo County Clerk prior to the Project being considered "final". Failure to comply with the conditions stated above will result in the proposed use being in violation of the Inyo County Code.

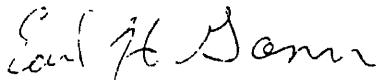
The Conditional Use Permit and Reclamation Plan will become effective fifteen (15) days after the Planning Commission's

action. During that time, pursuant to Section 18.81.030 of the Inyo County Zoning Ordinance (#943 2/15/94) any interested person alleging Error in any Determination made by the Planning Commission may appeal all or any portion of this Conditional Use Permit or Reclamation Plan to the Inyo County Board of Supervisors after compiling evidence of the alleged error and making an appeal fee payment of three-hundred dollars (\$300.00) to the Clerk of the Board.

If you have any questions regarding the above, please feel free to contact this office.

Sincerely,

PETER CHAMBERLIN
Planning Director



Earl H. Gann
Mining Reclamation Planner

cc: Department of Fish and Game - Bishop
Supervisor Robert W. Gracey, 4th District
Inyo County Assessor's Office



County of Inyo Planning Department

P.O. Drawer L, Independence, CA 93526
Peter Chamberlin, Director of Planning

Planning Office
Charles Thistlethwaite
Curtis Kellogg
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FAX (619) 872-2712

Yucca Mountain Office
Brad Mettam
Janet Cross
(619) 878-0380
FAX (619) 878-0382

August 8, 1994

State of California
Department of Conservation
Office of Mine Reclamation
801 "K" Street, MS 09-06
Sacramento, CA 95814-3529

RE:

RECLAMATION PLAN #94-2/ BROWN'S SUNLAND BORROW PIT

Dear Sirs:

Attached please find a copy of the Notice of Decision dated August 8, 1994 outlining the conditions of approval for Reclamation Plan #94-2/ Brown's Sunland Borrow Pit. Also, a copy of the Reclamation Plan and Conditional Use Permit approved Inyo County Planning Commission on July 27, 1994 is included.

Pursuant to Section 2774(d) of the Surface Mining and Reclamation Act of 1975 (SMARA), the lead agency must respond to the DMG letter addressing the above project. These are included within the body of the Staff Report presented to the Planning Commission. They are listed below.

1. DMG Comment (May 16, 1994):

SMARA Section 2772(e) requires that a reclamation plan include the size and legal description of the lands that will be affected by mining. SMARA Section 2772(e) also requires that a map of the site clearly show the limits of the mining, reclamation, proposed access roads and existing roads on site, And utilities within or adjacent to the mine site.

The map provided shows the property boundary, roads, disturbed

soil areas, and adjacent mine lease locations. Plan maps showing the proposed excavation and final contours and cross-sections are not provided. As a part of the proposed concurrent reclamation, the reclamation plan states that seed-bearing surface soils will be stockpiled and respread, and the site will be regraded to blend with the natural contours of the area. Therefore, the site map for the project should also include temporary location(s) for topsoil stockpiles.

Inyo County Response:

The County concurs. The topsoil stock piles will be located on a contour map. The final pit configuration is not known and may not be known for many years. Therefore to require a final contour map now is counter productive. The pit will not go below the limits set in the plan.

2. DMG Comment (May 16, 1994):

SMARA Section 2772(d) requires that the depth of mining be specified. The depth of mining is specified at 15 feet in the west pit and at 25 feet in the east pit. The depth of mining should also be depicted on cross sections and tied to a verifiable benchmark that can be referenced in the field for compliance monitoring.

Inyo County Response:

The County concurs. The depth of mining is noted on the reclamation plan. Due to the nature of this mining project, finished contours are not necessary now. The Land owner is drawing a contour map of the project, including adjacent mining operations. Survey control will be provided.

3. DMG Comment (May 16, 1994):

SMARA Section 2772(f) requires that a reclamation plan describe the surface mining operation and provide a time schedule for completion of each segment of mining so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. The reclamation plan proposes to mine concurrently with reclamation. We recommend that reclamation phases be identified on plan maps.

Inyo County Response:

The County concurs. With the nature of this operations this shall be required.

4. DMG Comment (May 16, 1994):

SMARA Section 2772(i) requires that the reclamation plan include an assessment of the effect of implementation of the reclamation plan on future mining in the area.

Inyo County Response:

The County concurs. There are six other borrow pits in the same general location. Reclamation consists of spreading topsoil and reseeding. This will have no affect on future mining because the topsoil can be removed again and mining can take place. The decomposed granite will not be depleted by this operation nor by any of the others.

5. DMG Comment (May 16, 1994):

SMARA Section 2772(j) requires that the reclamation plan include a signed statement in which the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the approved reclamation plan. We recommend that the plan include this statement.

Inyo County Response:

The County concurs. All Reclamation plans must have this before they are deemed complete or approved.

6. DMG Comment (May 16, 1994):

Financial assurances are required of all surface mining operations to guarantee site reclamation. These financial assurances should be payable to the SMARA lead agency and the Department of Conservation; and that the financial assurances be submitted to the Department of Conservation for review and comment. We recommend that the plan include financial assurances adequate to guarantee site reclamation.

Inyo County Response:

The County concurs. This requirement is required of each submitted reclamation plan and will be required for this one.

7. DMG Comment (May 16, 1994):

CCR Section 3502 (b)(2) requires that a reclamation plan address public health and safety, given consideration to the degree and type of present and probable future public exposure to the site. Potential public access to the deep pits should be addressed in the reclamation plan.

Inyo County Response:

Inyo County concurs. This borrow pit is one of seven that are adjacent to each other. The access to each of these pits has a locked gate. This serves two purposes.

1. The gate is a public safety device.
2. The gate keeps unauthorized persons from obtaining product.

8. DMG Comment (May 16, 1994):

The Reclamation plan does not discuss the ultimate disposition of equipment used during excavation. All equipment should be stored in a designated area identified on the plan maps. We recommend this information be included in the reclamation plan.

Inyo County Response:

The County does not concur. This information should be in the conditional use permit and not the reclamation plan. In actuality all equipment will be kept on the applicants salvage yard or in the east pit which is adjacent to the salvage yard.

9. DMG Comment (May 16, 1994):

SMARA Section 2772(g) requires that the reclamation plan include a description of the proposed end use. The end use is stated as open space. To achieve this use, the plan proposes to recontour the site and respread conserved growth medium. Performance standards are not included. Without these standards it will not be possible to determine if reclamation has been successful.

Inyo County Response:

Inyo County concurs. Reclamation standards shall be placed in the conditions of the reclamation plan and conditional use permit.

10. DMG Comment (May 16, 1994):

The reclamation plan does not propose to employ erosion control facilities. These facilities have been proposed for adjacent mines. CCR Sections 3706 and 3710 require that surface and ground water be protected in accordance with the Porter-Cologne and Clean water Acts as implemented by the Regional Water Control Board and the State Water Resources Control Board. Recent regulations approved by the State Water Control Board require that a mine site which discharges storm waters that may have contacted any overburden, raw material, intermediate products, byproducts, or waste products in the mine site obtain a general industrial activities storm water permit and submit a Storm Water Pollution Prevention Plan (SWPPP). We recommend that the applicant consult with the Regional Water Quality Control Board to determine if these requirements are applicable to this operation. If the permit and the SWPPP are obtained, the required information, monitoring requirements and water quality standards should be incorporated into the reclamation plan.

Inyo County Response:

Inyo County concurs. The Applicant shall be informed of these requirements. However, this operation is a closed system. Runoff from up slope is intersected by an old historical canal that circumvents all the borrow sites. Rainfall in the area is very little. The rain that does fall is absorbed or evaporates very quickly.

11. DMG Comment (May 16, 1994):

CCR Section 3706(d) requires that erosion and sedimentation be controlled during all phases of mining and reclamation and provides performance standards for drainage, diversion structures, and erosion control. CCR Section 3503(a)(3) addresses the construction of erosion control facilities. The erosion control plan requirements of SMARA may be met by the SWPPP required by the State Water Resources Control Board. Evaluation of the effectiveness of the erosion control plan should be done as part of the annual inspection.

Inyo County Response:

The County concurs. This operation is in a closed system. Runoff from up slope is intercepted by an existing historical canal. This canal is dry and serves as a flood control canal for all the borrow pits in this immediate area. No water can enter the pit from up slope. The pits are on a relatively level area of the alluvial fan. No water entering the pit from rain fall can escape the pit. The slopes of the pit may show small amounts of erosion into the pits. This will be taken care of in the daily operations of the mine.

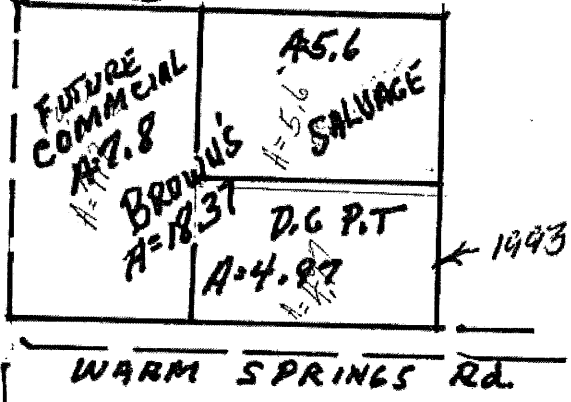
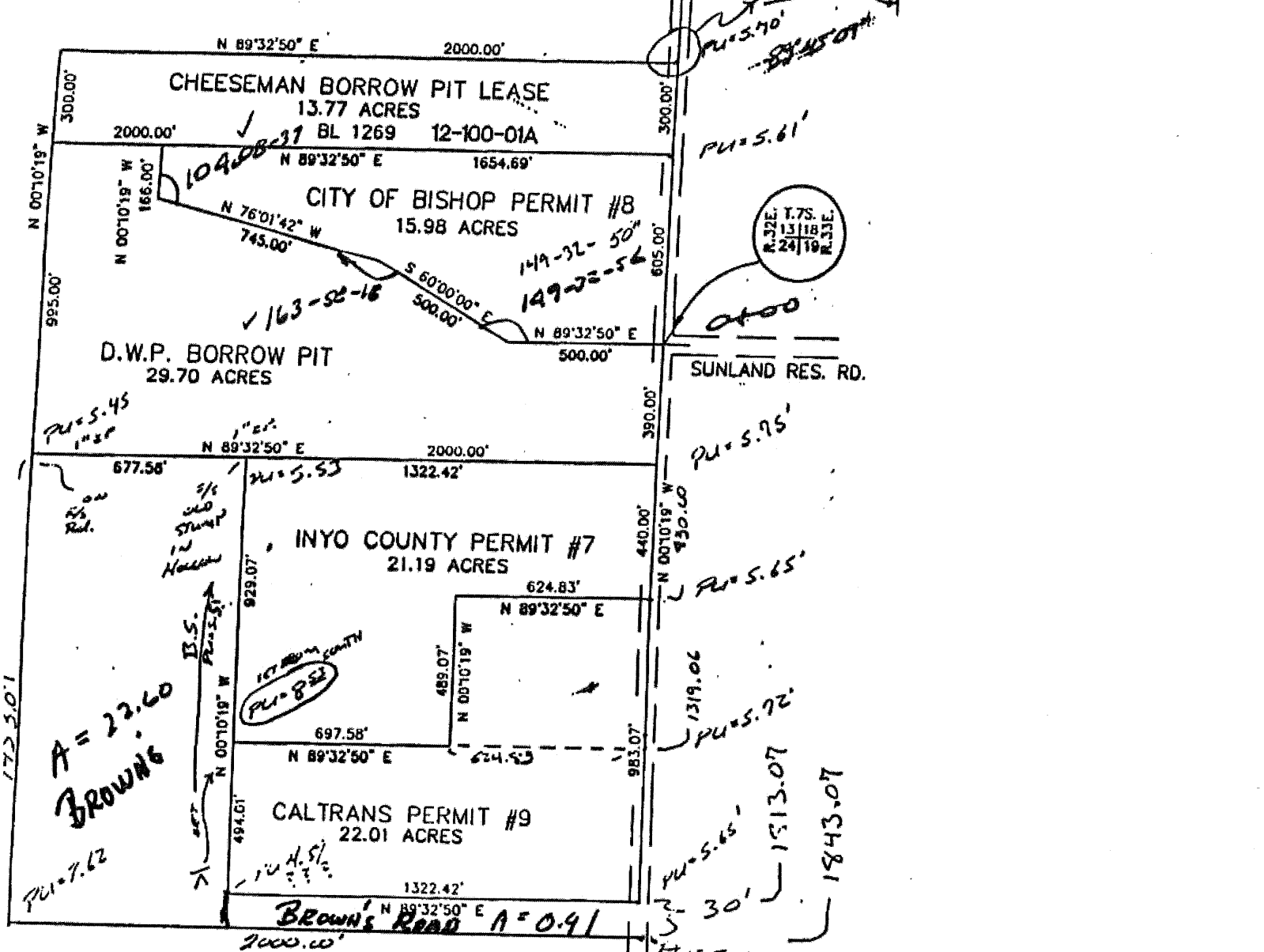
Sincerely,


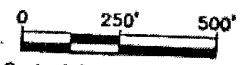


Earl H. Gann
Mining Engineer

Attachments:

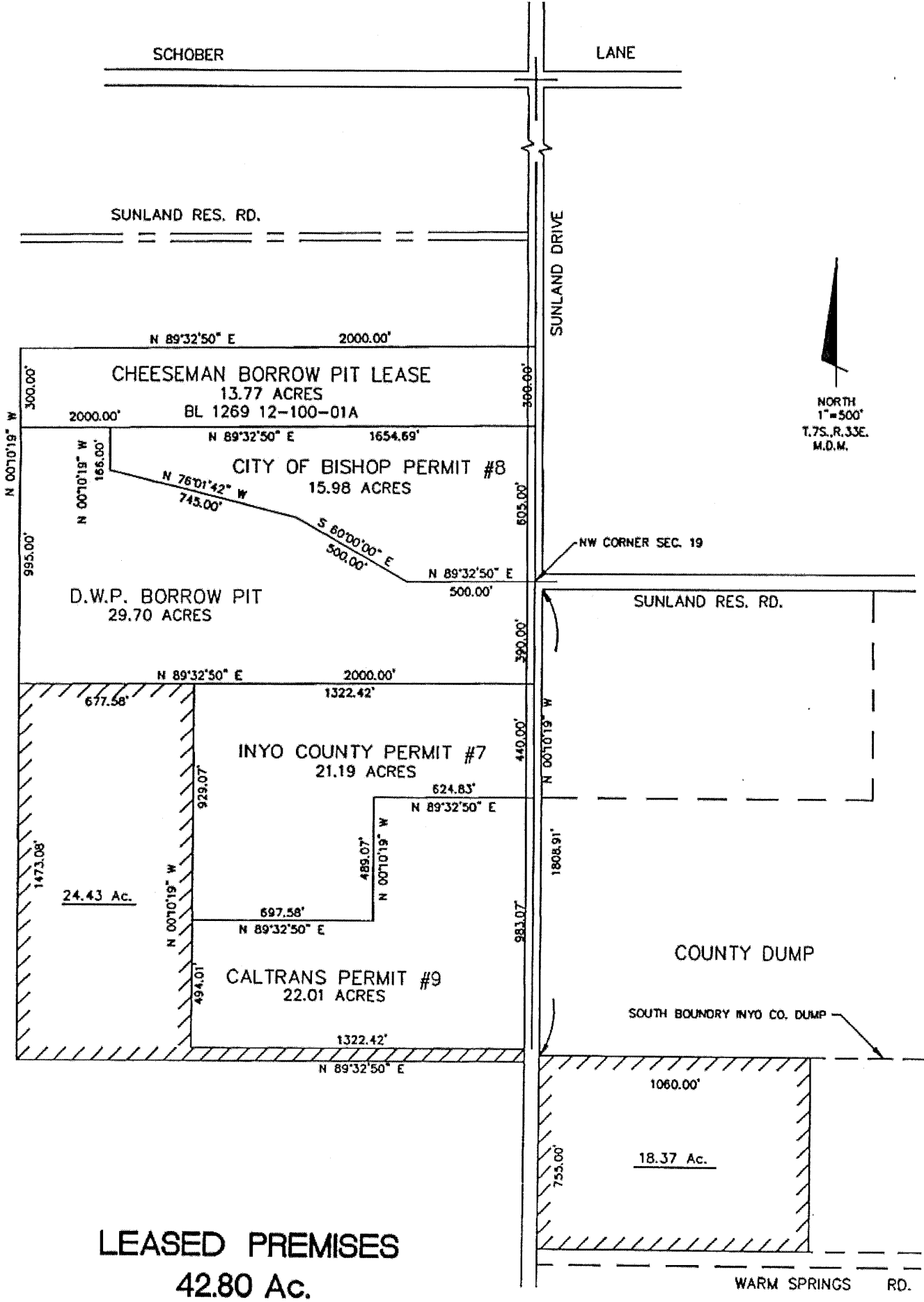
Notice of Decision
Rec. Plan #94-2, Conditional Use Permit #94-2
Planning Department Staff Report





 Scale 1 inch = 500 feet
 BY: P. MADDOCK & M. SMITH
 DATE: JUNE 30, 1993
 REF. DWG S-93-D
 FILE: 1210001A.dwg

1994

SUNLAND BORROW PITS
PERMIT AND LEASE PREMISES



APPENDIX B – SITE MAPPING

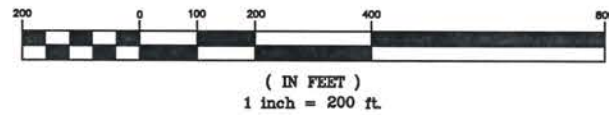


***Estimated Timeline / Sequence (Mine - Reclaim)**

- West Wall Reclaim (2022-December 2024)
- North Wall (Jan. 2025 - Dec. 2027)
- East Wall (Jan. 2028 - Dec 2030)
- South Wall / Floor (Jan. 2031 - Dec.2035)

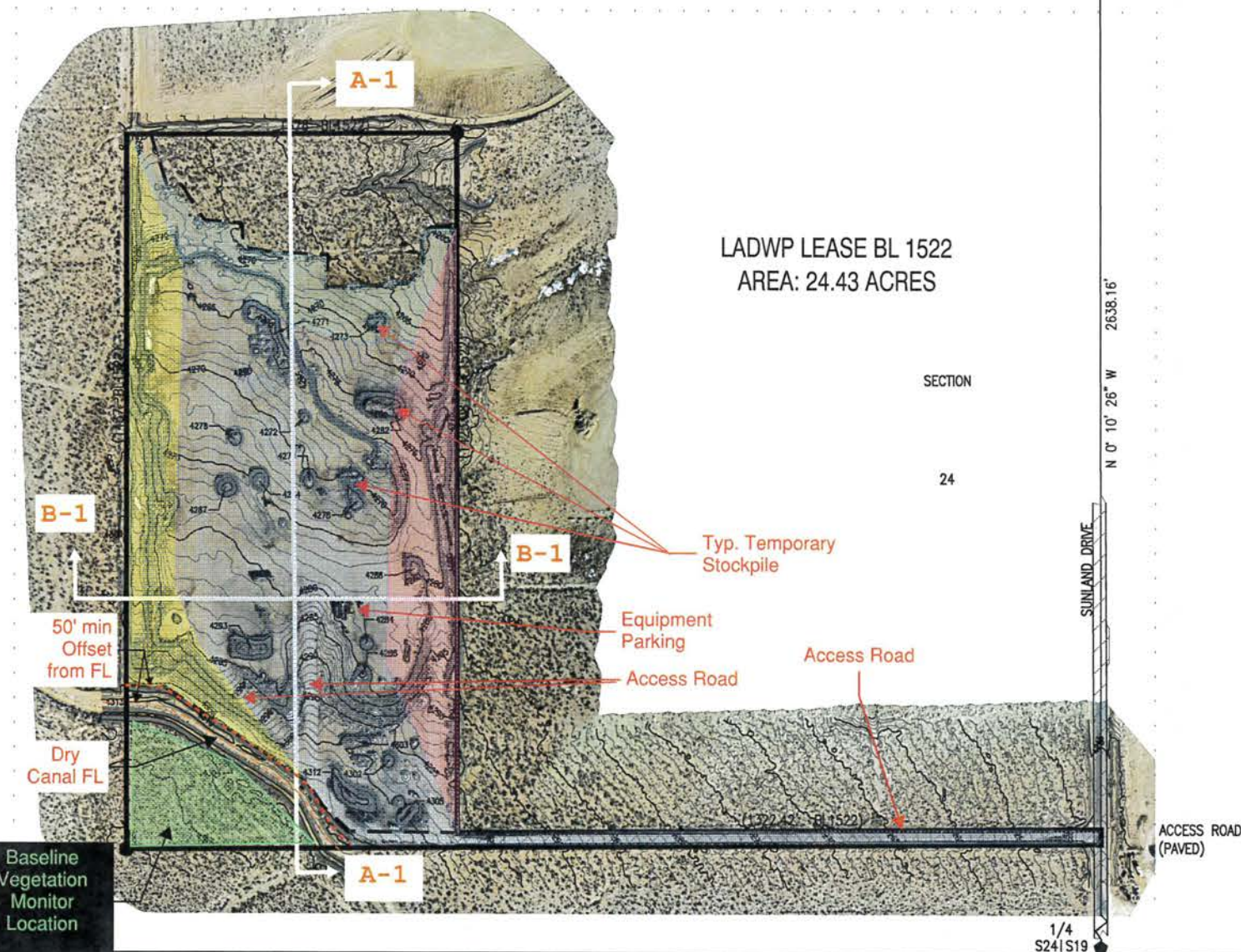
**Timing subject to change based on demand for material and economic outlook going forward. Reclamation in each area will occur once disturbance limits are achieved at the earliest possible time on each portion*

GRAPHIC SCALE



T 7 S
R 33 E

S13|S18
S24|S19



DESCRIPTION

A Portion of the Northeast quarter of Section 24, Township 7 South, Range 32 East, Mount Diablo Base & Meridian, more particularly described as follows:

COMMENCING at the Inyo County Surveyor brass cap set to mark the location of the quarter corner common to said Section 24, Township 7 North, Range 32 East and Section 19, Township 7 South, Range 33 East, Mount Diablo Base & Meridian, as depicted on the Inyo County Surveyor's Map No. 23.

Thence, North 0° 10' 26" West, 2,638.16 feet to the Inyo County Surveyor's brass cap near the intersection of Sunland Road and Sunland Indian Reservation Road, set to mark the corner common to Sections 13, 24, 18 and 19, in said Township and Ranges;

Thence, returning, South 0° 10' 26" East, 1,813.15 feet, to the TRUE POINT OF BEGINNING;

Thence, South 89° 33' 27" West, 1,322.48 feet, to a point;

Thence, North 0° 10' 05" West, 1,423.08 feet, to a 1.5 inch, outside diameter, iron pipe;

Thence, South 89° 33' 27" West, 667.50 feet, to a point;

Thence, South 0° 10' 05" East, 1,453.07 feet, to a 1.5 inch, outside diameter, iron pipe;

Thence, North 89° 33' 27" East, 1,999.99 feet, to a point between said Inyo County Surveyor brass caps;

Thence, North 0° 10' 26" West, 30.00 feet to the TRUE POINT OF BEGINNING.

Containing 23.51 acres ±.

BASIS OF BEARINGS

The Basis of Bearings for this description is the California State Plane, NAD 83, Zone IV, bearing of North 0° 10' 26" West, between the Inyo County Surveyor's brass caps said before.

SURVEY DATA

BASIS OF BEARINGS: GRID NORTH, as determined by an NGS Opus solution at Point 1000

Bearings are Grid; Distances are Ground

CORS Stations used for Opus Solution:

PID	DESIGNATION	LATITUDE	LONGITUDE
1. DN7455 P650	ANTELOPEMTC2006 CORS ARP	N37°53'28.581"	W118°33'17.590"
2. DM7554 P468	MAZOURKAPKCS2006 CORS ARP	N365832.441	W1180706.0553.
3. DN7458 P651	CHALFANTVACS2006 CORS ARP	N37°33'47.179"	W118°23'13.086"

NGS Opus Latitude & Longitude Base values are:
 LATITUDE: N 37° 19' 30.63047" (±0.001 meters)
 LONGITUDE: W 118° 24' 10.09861" (±0.001 meters)

CCS, Zone III NAD_83(2011)(EPOCH:2010.0000)
 Coordinate Base values are:
 Northing: 2,366,105.77 US Survey Feet
 Easting: 6,735,322.97 US Survey Feet
 Ortho Height: 4,237.00 US Survey Feet
 [NAVD88 (Computed using Geoid18)]

Convergence Angle: +0°21'23" @ Base
 True Azimuth= Grid Azimuth + Convergence Angle

Combined Grid Factor: 0.99981663 @ Base
 Ground Distance=
 Grid Distance/Combined Grid Factor

Contour Data:
 Major Contours: 1"=5'
 Minor Contours 1"=1'

BROWN'S SUPPLY, CA MINE NO. 91-14-0101 RECLAMATION NOTES

OPERATOR LESSEE: BROWN'S SUPPLY, INC.
 219 WYE ROAD
 BISHOP, CA 93514
 TELEPHONE: (760) 873-2-6911

LESSOR: LOS ANGELES DEPARTMENT OF WATER AND POWER
 REAL ESTATE SECTION
 300 MANDICH STREET
 BISHOP, CA 93514
 TELEPHONE: (760) 873-0251

DATE: February 18, 2021

APPLICANT: SAME AS OPERATOR

OWNER MINERAL RIGHTS: SAME AS OWNER

ROADS/EASEMENTS: NONE

ASSESSOR'S PARCEL NO: 12-010-12

EXISTING DISTURBED: 16.67 ACRES

EXISTING PERMITTED:

TOTAL MINE AREA: 24.43 ACRES

AREA TO BE RECLAIMED:

RECLAIMED END USE:

LEGEND

- INYO CO. BRASS CAP IN MONUMENT WELL
- 1-1/2" OUTER DIAMETER IRON PIPE
- EXISTING FENCE
- LEASE BOUNDARY
- DISTURBED AREA BOUNDARY
- PAVED ROAD
- DIRT ROAD
- SECTION LINE
- 1/4 SECTION LINE
- CONTOUR INTERVAL:
- MAJOR- 5'
- MINOR- 1'

CONTROL SURVEY AND DESCRIPTION BY:

JEFFREY THOMPSON
 25 QUAIL LANE
 BISHOP, CA 93514

DRONE AERIAL SURVEY PHOTOGRAMMETRY & PLAT BY:

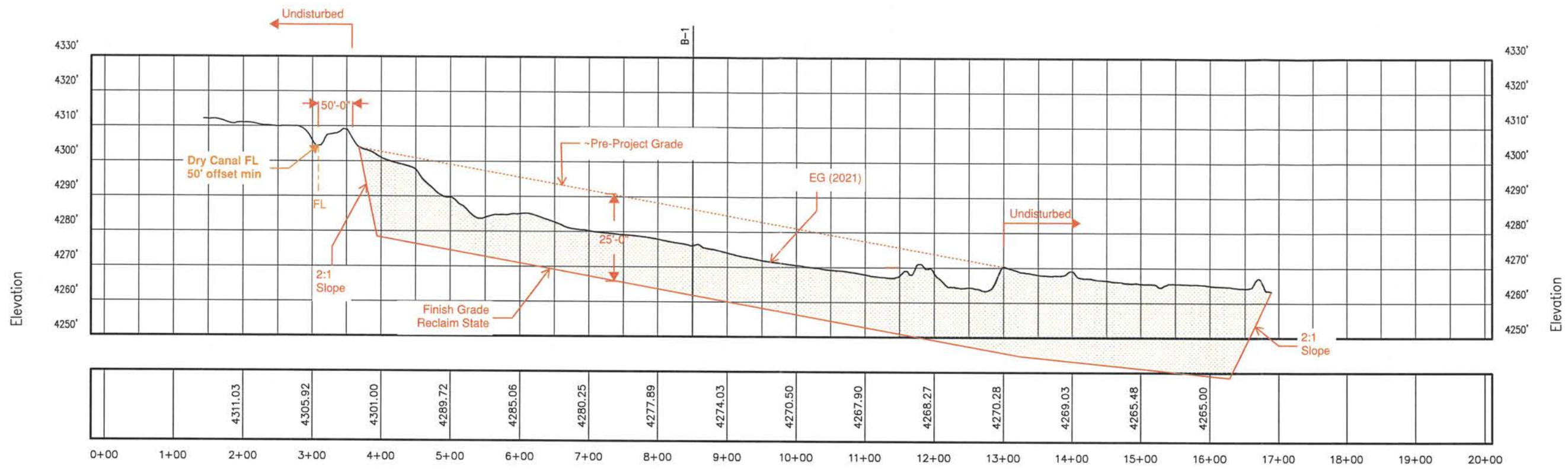
BEAR ENGINEERING, INC.
 2575 STATE ROUTE 338
 WELLINGTON, NV 89444

PLAT PREPARED BY:

BUCKY BROWN
 RENO, NV

RECLAMATION PLAN

BROWN'S SUPPLY, CA MINE NO. 91-14-0101
 INYO COUNTY, CALIFORNIA



- MATERIAL AVAILABLE TO MINE (~25' from EG Pre-Mine)
- PRE-PROJECT GRADE (PROJECTED)
- FINISH GRADE RECLAIM STATE ~25' depth, 2:1 Cut
- EXISTING GRADE (2021 SURVEY)

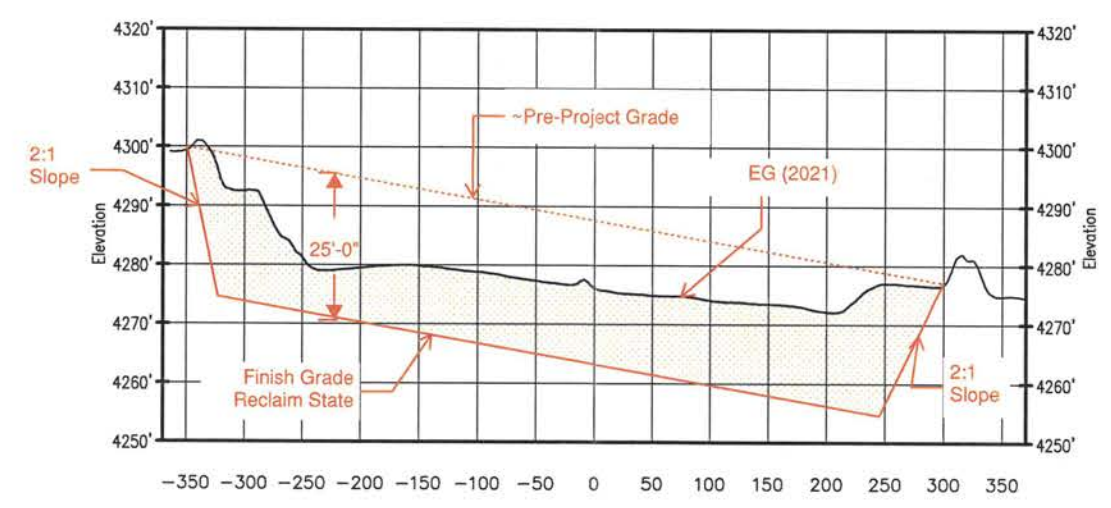


FIGURE 6

APPENDIX C - SURFACE MINING AND RECLAMATION ACT OF 1975 (SMARA) & CALIFORNIA CODE OF REGULATIONS (CCR TITLE 14)

SMARA/ CCR SECTION	DESCRIPTION	N/A	PAGE(S)
SMARA 2770.5	100-year flood, Caltrans contact	X	
SMARA 2772 (c) (1)	Name and Address of operator/agent.		3,5,6
SMARA 2772 (c) (2)	Quantity & type of minerals to be mined.		3
SMARA 2772 (c) (3)	Initiation and termination date.		
SMARA 2772 (c) (4)	Maximum anticipated depth of mining.		
SMARA 2772 (c) (5)	Description, including map with boundaries, topographic details, geology, streams, roads, utilities.		4,5,6
SMARA 2772 (c) (6)	Mining plan and time schedule for reclamation (concurrent or phased reclamation).		7,8
SMARA 2772 (c) (7)	Proposed subsequent use.		9
SMARA 2772 (c) (8)	Description of reclamation measures adequate for proposed end use.		8,9
SMARA 2772 (c) (8) (a)	Description of containment Control and mine waste disposal.		7 7
SMARA 2772 (c) (8) (b)	Rehabilitation of stream banks/beds to minimize erosion	X	
SMARA 2772 (c) (9)	Impact of reclamation on future mining.		7,8,9
SMARA 2772 (c) (10)	Applicant statement accepting responsibility for reclamation per the reclamation plan.		Attached SOR
SMARA 2773 (a)	Water quality monitoring plan specific to property.	X	
SMARA 2773 (a)	Sediment and erosion control monitoring plan specific to property.		7,9
SMARA 2773 (a)	Revegetation plan specific to property. Monitoring Plan.		8,9

SMARA 2773.1	Performance (financial) assurances.		10
SMARA 2777	Amended reclamation plans required prior to substantial deviations to approved plans.	X	
CCR 3502 (b) (1)	Environmental setting and impact of reclamation on surrounding land uses. (Identify sensitive species, wildlife habitat, sensitive natural communities, e.g., wetlands, riparian zones, etc.).	X	
CCR 3502 (b) (2)	Public health and safety (exposure).		10
CCR 3502 (b) (3)	Slopes: critical gradient, consider physical properties and landscaping.		7,8,10
CCR 3502 (b) (4)	Fill materials in conformance with current engineering practice.	X	
CCR 3502 (b) (5)	Disposition of old equipment	X	
CCR 3502 (b) (6)	Temporary stream and water diversions shown.	X	
CCR 3503 (a) (1)	Removal of vegetation and overburden preceding mining kept to a minimum.		7
CCR 3503 (a) (2)	Overburden stockpiles managed to minimize water and wind erosion.	X	
CCR 3503 (a) (3)	Erosion control facilities (dikes, ditches, etc.) as necessary.		7,9
CCR 3503 (b) (1)	Settling ponds (sedimentation and water quality).	X	
CCR 3503 (b) (2)	Prevent siltation of groundwater recharge areas.	X	
CCR 3503 (c)	Protection of fish and wildlife habitat (all reasonable measures).	X	
CCR 3503 (d)	Disposal of mine waste and overburden (stable-no natural drainage restrictions without suitable provisions for diversion).	X	

CCR 3503 (e)	Erosion and drainage (grading to drain to natural courses or interior basins).	X	
CCR 3503 (f)	Resoiling (fine material on top plus mulches).	X	
CCR 3503 (g)	Revegetation and plant survival (use available research).	X	
CCR 3703 (a)	Sensitive species conserved or mitigated	X	
CCR 3703 (b)	Wildlife habitat at least as good as pre-project, if approved end use is habitat.		8
CCR 3703 (c)	Wetlands avoided or mitigated at 1:1 minimum	X	
CCR 3704 (a)	For urban use, fill compacted in accordance with UBC or local grading ordinance.	X	
CCR 3704 (b)	For resource conservation, compare to standard for that end use	X	
CCR 3704 (c)	Mine waste stockpiled to facilitate phased reclamation and separate from growth media.		8
CCR 3704 (d)	Final reclamation fill slopes not exceed 2:1, except when engineering and revegetation analysis allow.		10
CCR 3704 (e)	Final landforms or fills conform with surrounding topography or end use.		8,9,10
CCR 3704 (f)	Cut slopes have minimum factor of safety for end use and conform to surrounding topography.		10
CCR 3704 (g)	Piles or dumps not placed in wetlands without mitigation.	X	
CCR 3705 (a)	Vegetative cover, suitable to end use, self-sustaining. Baseline studies documenting cover, density and species richness.	X	
CCR 3705 (b)	Test plots if success has not been proven previously	X	
CCR 3705 (c)	Decompaction of site.	X	

CCR 3705 (d)	Roads stripped of road base materials, resoiled and revegetated, unless exempted.	X	
CCR 3705 (e)	Soil altered or other than native topsoil, required soil analysis. Amend if necessary.	X	
CCR 3705 (f)	Temporary access not bladed. Barriers installed.	X	
CCR 3705 (g)	Use native plant species, unless exotic species meet end use.		9
CCR 3705 (h)	Plant during correct season.	X	
CCR 3705 (i)	Erosion control and irrigation, when necessary.	X	
CCR 3705 (j)	If irrigated, demonstrate self-sustaining without for two- year minimum.	X	
CCR 3705 (k)	Weeds managed.	X	
CCR 3705 (l)	Plant protection measures, fencing, caging.	X	
CCR 3705 (m)	Success quantified by cover, density and species-richness. Standards proposed in plan. Sample method set forth in plan and sample size provides 80 percent confidence level, as minimum.	X	
CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.	X	
CCR 3706 (b)	Water quality, recharge, and groundwater storage shall not be diminished, except as allowed by plan.	X	
CCR 3706 (c)	Erosion and sedimentation controlled during all phases as per RWQCB/SWRCB.	X	
CCR 3706 (d)	Surface runoff and drainage controlled and methods designed for not less than 20 year/1 hour intensity storm event.	X	

CCR 3706 (e)	Altered drainages shall not cause increased erosion or sedimentation.	X	
CCR 3706 (f)	Stream diversions constructed in accordance with DFG 1603, EPA 404, Sec. 10 Rivers and Harbors.	X	
CCR 3706 (g)	All temporary diversions eventually removed.	X	
CCR 3707 (a)	Return prime ag to prime ag, unless exempted.	X	
CCR 3707 (b)	Segregate and replace topsoil by horizon.	X	
CCR 3707 (c)	Productivity rates equal pre- project or similar site for two consecutive years. Rates set forth in plan.	X	
CCR 3707 (d)	Fertilizers and amendments not contaminate water.	X	
CCR 3708	Other ag capable of sustaining crops of area.	X	
CCR 3709 (a)	Equipment stored in designated area and waste disposed of according to ordinance.		7
CCR 3709 (b)	Structures and equipment dismantled and removed.	X	
CCR 3710 (a)	Surface and groundwater protected.	X	
CCR 3710 (a)	Surface and groundwater protected in accordance with Porter Cologne and Clean Water Acts (RWQCB/SWRCB).	X	
CCR 3710 (b)	In-stream in accordance with CFG 1600, EPA 404, and Sec. 10 Rivers and Harbors.	X	
CCR 3710 (c)	In-stream channel elevations and bank erosion evaluated annually using extraction quantities, cross-sections, and aerial photos.	X	

CCR 3710 (d)	In-stream mining activities shall not cause fish to become entrapped in pools or in off-channel pits. California Fish and Game Code section 1600.	X	
CCR 3711(a)	All salvageable topsoil removed. Topsoil and vegetation removal not proceed mining by more than one year.	X	
CCR 3711 (b)	Topsoil resources mapped prior to stripping, location of stockpiles on map. Topsoil and growth media in separate stockpiles.	X	
CCR 3711 (c)	Soil salvage and phases set forth in plan, minimize disturbance, designed to achieve revegetation success.	X	
CCR 3711 (d)	Topsoiling phased ASAP. Stockpiles not to be disturbed until needed. Stockpiles clearly identified and planted with vegetation or otherwise protected.	X	
CCR 3711 (e)	Topsoil redistributed in stable site and consistent thickness.	X	
CCR 3712	Waste and tailings, and waste disposal governed by SWRCB (Article 7, Chapter 15, Title 23, CCR).	X	
CCR 3713 (a)	Drill holes, water wells, monitoring wells abandoned in accordance with laws.	X	
CCR 3713 (b)	All portals, shafts, tunnels, or openings, gated or protected from public entry, but preserve access for wildlife.	X	