



# MINING RECLAMATION PLAN AND/ OR CONDITIONAL USE PERMIT *Information Sheet*

## GENERAL INFORMATION

No person shall conduct surface mining operations unless the County has first approved a Mining Conditional Use Permit and/or Reclamation Plan and financial assurances. For recognition of vested rights and acknowledgment of certain exemptions relating to these requirements, refer to Title 7, Chapter 7.70 of the **Inyo County Code** or contact County Planning/Mining staff. The County's regulations implement and enforce SMARA requirements where applicable. The intent of the Development Code and SMARA is to create and maintain an effective and comprehensive surface mining and reclamation policy with appropriate regulation of surface mining-related activities as to assure:

1. Adverse Environmental Effects are prevented or minimized;
2. Mined lands are reclaimed to a useable condition that is readily adaptable for alternative land uses;
3. The production and conservation of minerals are encouraged, while preserving values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; residual hazards to the public health and safety are eliminated;
4. Granting of any exceptions will not result in creating a nuisance or conflict with existing laws or ordinances.

## FEES

**Reclamation Plan Only (Actual Cost):** \$3,030 initial deposit

**Reclamation Plan and Conditional Use Permit (Actual Cost):** \$4,520 initial deposit

Actual Cost Initial Deposit. The basic review fees for this application are charged on an "actual cost" basis. Your application money is deposited into an account and the reviewing staff records the time spent processing your application. Your account is then charged for the staff time at rates established by the Inyo County Fee Ordinance. You are responsible for all charges made to the account. If account funds are depleted, an additional deposit will be required. If an additional deposit is required, it must be paid to allow staff to continue processing your application. Any failure to pay the required deposit amount will result in suspension and possible termination of the review process. For more information on fees, please contact County Planning.

## PROCEDURES

1. Submit an application with the appropriate payment amount.
2. A project planner will review the application submittal and notify you of any corrections and/or additional items needed.
3. If the application is deemed complete, it will be routed to appropriate agencies for their review.
4. A Conditional Use Permit shall be processed using the Staff Review with Notice and Public Notice procedures.
5. Project Planner will perform review consolidation, draft approval documents, and schedule a public hearing.

*All projects will be evaluated to determine if they are subject to the California Environmental Quality Act (CEQA).*

The project application and process provides the County the opportunity to completely review the proposed project before its implementation. Conditions of Approval will be required of the project prior to its final approval or implementation.

Conditional Use Permits will be reviewed by Planning Staff and will be considered by the Planning Commission at a public hearing. Actions of the Planning Commission may be appealed to the Board of Supervisors within ten days following the date of the action. Appeals must be made by means of a separate application and may require an additional fee.



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## SUBMITTAL MATERIALS CHECKLIST

Forms and Guidance Materials can be found at:

<https://www.inyocounty.us/services/planning-department/surface-mining-and-reclamation-act-smara>

Reclamation Plan Content Checklist:

[https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/RP%20Content%20Checklist%20TEMPLATE\\_2018-04-09.pdf](https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/RP%20Content%20Checklist%20TEMPLATE_2018-04-09.pdf)

- 1. Financially Responsible Party Information Form
- 2. Property Owner Certification Form
- 3. Proof of property ownership:
  - Recorded Grant Deed (or Quitclaim Deed with the previous Grant Deed) for each lot or parcel listed on the application
  - OR**
  - A copy of a current Preliminary Title Report (issued within 60 days of application submission).

*NOTE: If a trustee is listed as the property owner, a copy of the trust agreement is required. For Grant Deeds that list Corporations, Partnerships, or Fictitious Firms as the Grantor or Grantee, a certified copy of each of the Articles of Incorporation including statement of officers; the Partnership Papers (limited or general); or the recorded Fictitious Business Name Statement naming the owner(s) of the firm is required.*
- 4. Mineral Rights Owner Certification Form
- 5. Letter of Intent
- 6. Hazardous Waste Site Certification Form
- 7. Signed and notarized Statement of Responsibility
- 8. Reclamation Plan Text Operating Plan
- 9. Reclamation Plan Map. Must indicate Engineer/Surveyor of record indicated on map.
- 10. Mine Plan Map. Must indicate Engineer/Surveyor of record indicated on map.
- 11. Copy of approved BLM/Forest Service Plan of Operations/Material Sales Contract/National Environmental Policy Acknowledgement record of decision (if on federal lands).



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## Mining Plan Map Checklist

The plot plan is a drawing to scale at 1"=200' on one sheet of the entire parcel showing buildings, improvements, other physical features and all dimensions. Remember that reviewing parties and Planning Commission are not familiar with the property and will need this information to evaluate your project. If the plans are not legible or do not contain the information listed below, your application will not be accepted for processing.

- IDENTIFICATION:** Identify names, addresses, telephone numbers of the mine operator, land owner, applicant, representative, owners of mineral rights, civil engineer, soil engineer, geologist, map preparer, lessee, date of map preparation and date of latest map amendment, if applicable. Also, include the name of the Mine and California Mine ID number (if assigned), and the mineral to be mined.
- UTILITIES:** Indicate names, address, and telephone numbers of water company, sewage disposal, electric, gas, telephone companies. If no utility company, indicate method of supply.
- LEGAL DESCRIPTION:** Indicate names, address, and telephone numbers of water company, sewage disposal, electric, gas, telephone companies. If no utility company, indicate method of supply.
- NORTH ARROW:** Indicate north (pointing to top or right hand side of the plan), date of drawing and scale. Use an engineer's scale (1" to 200')
- DIMENSIONS:** Show all property lines and dimensions. Also, show boundary lines of the Mining area within property line dimensions if only a portion of the property is being utilized. The property corners must be staked in the field, surveyed with GPS coordinates, and easily identified by inspection personnel.
- LEGEND:** Include a legend depicting all lines and symbols.
- ROADS/EASEMENTS:** Indicate location, names, centerline, gradients, widths of streets, recorded road, utility, and drainage easements on the property. **If none exist, indicate by a note that no easements exist.** If the property is not on a road or easement, show access to property.
- DRAINAGE:**
  - Show the location, width, and direction of flow of all drainage courses on site.
  - Show the location and details of all facilities to control on-site storm runoff, erosion and sedimentation such as water courses, culverts, drain pipes, settling ponds, retarding basins, ditches and dikes, including gradients.
- GRADING/TOPOGRAPHIC INFORMATION:** Show existing surface contours on-site and bordering the mined and disturbed areas.
- LAND USE DISTRICT:** Indicate Land Use District Zoning for project and all adjacent properties.
- STRUCTURES (ADJACENT AREAS):** Indicate any existing development on adjacent property. Show distance of existing structures on adjacent properties that are within 20 feet of the project property line. Indicate type of construction and approximate age (if known) of any existing structures. **If none exist, please note on the plan.**
- STRUCTURES (MINING AREAS):** For all existing and proposed structures, including but not limited to power poles, towers, fences, trash enclosures, signs, septic systems, and processing equipment:
  - Locate by distance in relation to other structures and property lines, and indicate existing structures that are to remain or be removed.
  - Indicate height, building footprint dimensions including eave overhang projections, square footage of each story and number of stories.
  - Indicate the type of construction for both proposed and existing structures.
- VICINITY MAP:** Show location within the general vicinity, indicating nearest cross streets and community name.
- SIGNAGE:** Provide a dimensioned side elevation of any proposed identification sign including proposed "copy" (wording). Include distance from both the top and bottom of sign to grade. Refer to the County Development Code for information on allowable type and size of sign. **If no sign is to be built, please note on plan.**
- PARKING:** Show all parking areas in detail for structures within Mining boundaries; dimensions and indication of surfacing materials.
- PLANT AND TREE PROTECTION:** If no protected or endangered trees exist on the site, **please note on the plans.** Show location, number, size, and type of all native trees, including unbranched cacti, yuccas, palms, and Joshua's, and indicate whether any of the following trees are to be removed, salvaged and/or transplanted.
  - VALLEY OR MOUNTAIN AREAS: Six inches or greater in diameter or 19 inches in circumference measured at 4.5 feet above average ground level of the base.
  - DESERT AREAS: All Joshua trees and all species of century plants, Nolinias, and Yuccas; Creosote rings that are 10 feet or greater in diameter; smoke trees and mesquites that are two (2) inches or greater in diameter, and six (6) feet or greater in height. All plants protected in accordance with that ordinance.

**Deceased salvaged or transplanted plants will require replacement with nursery stock.**
- MINING OPERATION**
  - Show the mine design, including ramps.
  - Depict separate mining phases where applicable.
  - Show the location of mine with dimensions from property lines.
  - Show mine design ground surface contours.
  - Show maximum and minimum elevation of the mining operation and bench elevations.
  - Show the location of processing and storage areas.
  - Show the location of operating equipment and structures.
  - Show the boundaries of areas to be mined, waste dumps, stockpiles, tailing ponds, retarding basins, and settling ponds including crest, toe, and slopes.
  - Show a detailed drawing of plant site and buildings.
  - Show the proposed dates for the initiation and termination of mining.
- CROSS SECTIONS: (1"=50")** Show the progression of stripping and excavating including elevations and dates or phases. Show the overburden, mineral deposits, groundwater level at mean sea level (MSL) and details of the work face of the operation. Provide at least one cross section through buildings and processing equipment.



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## Reclamation Plan Map Checklist

Mines that have not been active but date back prior to January 1, 1976 which have been established by vested rights only needs a Reclamation Plan. (Note: Vested Rights can only exist when recognized in a Public Hearing). A Reclamation Plan is a separate dimensioned drawing. The following information must be included on the Reclamation Plan. All written information should be shown across the bottom or along the right hand side of the drawing.

- IDENTIFICATION:** Identify names, addresses, telephone numbers of the mine operator, land owner, applicant, representative, owners of mineral rights, civil engineer, soil engineer, geologist, map preparer, lessee, date of map preparation and date of latest map amendment, if applicable. Also, include the name of the Mine and California Mine ID number (if assigned), and the mineral to be mined.
- UTILITIES:** Indicate names, address, and telephone numbers of water company, sewage disposal, electric, gas, telephone companies. If no utility company, indicate method of supply.
- LEGAL DESCRIPTION:** Complete legal description of the property including number of acres. Include APNs. If a portion of a large parcel is being developed, include a detailed legal description of that portion.
- NORTH ARROW:** Indicate north (pointing to top or right hand side of the plan), date of drawing and scale. Use an engineer's scale (1" to 200')
- DIMENSIONS:** Show all property lines and dimensions. Also, show boundary lines of the Mining area within property line dimensions if only a portion of the property is being utilized. The property corners must be staked in the field, surveyed with GPS coordinates, and easily identified by inspection personnel.
- LEGEND:** Include a legend depicting all lines and symbols.
- LAND USE DISTRICT:** Indicate Land Use District Zoning for project and all adjacent properties.
- VICINITY MAP:** Show location within the general vicinity, indicating nearest cross streets and community name.
- RECLAMATION PLAN**
  - Show the boundaries of disturbed areas to be reclaimed, including acreage.
  - Show the reclaimed ground surface contours.
  - Show original and post reclamation drainage including critical areas within or near the project areas such as lakes, streams, or wetlands. Show **direction of flows with arrows.**
  - Show erosion and sediment control structures or treatment such as water bars, berms, siltation ponds, diversions, etc.
  - Show a Revegetation Plan including names of plant species, size and spacing of plants, and the method of planting and irrigation.
  - Show the ultimate physical condition of the site and specify proposed uses or potential uses of the mined land after reclamation.
  - **Indicate the time frame for completion, for reclaiming the land.**
  - Show post-mining safety features such as fences, gates, signs, etc.
- CROSS SECTIONS: (1"=50")** Throughout the reclaimed mined and disturbed areas, waste dumps, tailings, ponds, and building sites. Establish Ground Water Level by mean sea level (MSL).



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## SURFACE MINING CUP/RECLAMATION TEXT OPERATING PLAN OUTLINE

The following information should be submitted in written form and supplemented with graphics to illustrate descriptions. Some items may not pertain to your operation and should be identified. All other information is required at the time of filing.

**PROPRIETARY INFORMATION SHOULD BE CLEARLY IDENTIFIED AND SUBMITTED SEPARATELY. THE INFORMATION WILL NOT GO INTO THE PUBLIC FILE IF HANDLED IN THIS MANNER.**

### MINING

1. **MINING OPERATION INTRODUCTION:** Describe the proposed mining operation and the history of the area, if known; include how the removal of vegetation and overburden will occur and where it will be stockpiled; how the mineral commodity will be extracted and the equipment that will be used; any proposed phasing of the operation, including dates.
2. **MINE WASTE – DESCRIBE:**
  - a. The type(s) of waste to be produced, i.e. topsoil, overburden, tailings, sediment, waste rock, domestic garbage, chemicals, oils, and grease, etc.
  - b. The amount of each type of waste to be produced per year, and during the life of the operation.
  - c. The disposal method and site, for each type of waste.
3. **DESCRIBE THE PLANNED ORE PROCESSING METHODS TO BE USED ON SITE:** Dry screening, flotation, amalgamation, wet screening, crushing/grinding, washing, mechanical separation, smelting, leaching, batch plant, other.
4. **PRODUCTION WATER DATA:**
  - a. **Fresh Water:** State the maximum and average quantity of water to be used in gallons per minute and acre-feet per year. Indicate all sources of water (including drinking water), such as wells, ponds, diversions, municipal water supply, etc. State how much water will be recycled and how much will be fresh/day. Provide documentation for legal procurement.
  - b. **Wastewater:** Indicate the volume of excess or wastewater in gallons per minute, or acre feet, that will have to be contained and/or disposed of during the mining operation. Include excess processing water, mine drainage, storm runoff from disturbed or utilized areas and any other water which will be handled on the site. Describe possible contaminants, including processing chemicals, detergents, acid drainage, turbid (muddy) water, fuel oil or gasoline, and runoff water which may contain fertilizer or other soil amendments. Describe the disposal methods.
5. **EROSION AND SEDIMENTATION CONTROL:** Describe methods to prevent erosion and/or sedimentation of adjacent property due to waters discharged from the site. Also described methods to protect stockpiles of mined materials from water and wind erosion.
6. **BLASTING:** Describe the procedures for the storage of explosives and methods to reduce any blasting effects on off-site structures or residents.

### RECLAMATION

1. **LAND USE:** Describe existing land use of site and surrounding area, including distance to the nearest development.
2. **VISIBILITY:** Describe the visibility of the proposed operation from surrounding area, considering highways, residences, commercial developments and recreation areas. Discuss proposed mitigation, considering landscaping, berms, fences, modification of operation, etc.
3. **VEGETATION:** Describe the type of vegetation which grows on and around the site. This can be checked with the U.S. Soil Conservation Service or the Inyo County Agricultural Commissioner. State the number of trees on site with a 6" or larger diameter trunk, at the base. (Note Joshua and Yuccas on the Plan).
4. **WILDLIFE:** List of species occurring on and around the site.
5. **RECLAMATION AND RECLAMATION SCHEDULE:** Describe how all disturbed areas will be reclaimed (backfilled, regraded, topsoiled, and revegetated, etc.) Provide a schedule of the phasing of the reclamation, dates for each phase, and a description of the treatments. Indicate when reclamation is expected to begin (month and year or phase) and when it will be completed. If reclamation is to be accomplished concurrent with mining, indicate at what time during the mining process or phase (give approximate dates) it will be



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undertaken and accomplished. Explain what reclamation will be undertaken in each phase. Describe the time lag which will occur between completion of each mining phase and beginning of reclaiming the land which was subject to that mining phase.

6. **REVEGETATION:** Describe plant species and/or seed to be used; rate of seed application and/or spacing of plants; planting methods; time of year for planting; types and amounts of fertilizers, mulch, lime, etc; site preparation (ripping, disking, soil additives, etc.); and irrigation system.
7. **CLEANUP:** Describe methods and timing for removal, disposal or utilization of residual equipment, structures, refuse, etc.
8. **POST-RECLAMATION AND FUTURE MINING:** Describe what the mined site will look like after it has been reclaimed. Describe how reclamation of site may affect future use of the property and adjacent or nearby property for mining purposes. Describe proposed subsequent uses for the reclaimed mined land as reclaimed.
9. **SLOPES AND SLOPE TREATMENT:** Discuss how cut and fill slopes, waste piles, and tailings will be stabilized to prevent landslides, earth flows, rock falls, and erosion (i.e. revegetation, benching, scaling, slope reduction, etc.).
10. **PONDS, RESERVOIRS, TAILINGS, WASTES:**
  - a. Describe how ponds, tailings, and/or mine wastes will be reclaimed (regraded, dewatered, capped, revegetated, removed, etc.)
  - b. If any dams or embankments are to remain after reclamation, describe type of dam, permeability, foundation characteristics, stored volume, and design criteria (including design criteria for seismic hazards). Provide a cross section through dams or embankments showing design characteristics.
11. **SOILS AND FINE TEXTURED WASTE:** Describe the soils on the site. Describe the method of removal, storage, and replacement of topsoil; the mean thickness of topsoil or fines on the site before and after reclamation; determine whether soil or mine waste needs to be supplemented to encourage plant growth.
12. **DRAINAGE AND EROSION CONTROLS:** Describe how post-reclamation drainage will suffer from the original site condition; discuss the possible effect of changes in the drainage on runoff, erosion sedimentation, streamflow, and streambank stability.
13. **PUBLIC SAFETY:** Describe what measures will be taken to ensure public safety (fences, gates, signs, hazard removal, etc.)
14. **MONITORING AND MAINTENANCE:**
  - a. Describe any baseline monitoring that has been done to document present environment.
  - b. Describe maintenance program to ensure that revegetation is successful, and that public safety measures, water quality, erosion control treatments, etc. are maintained.
15. **RECLAMATION ASSURANCE:** Describe financial assurance mechanism(s) to guarantee reclamation of the site (bonding, letter of credit, trust fund, etc.)
16. **SMARA CONTENTS CHART:** The reclamation plan shall include a chart indexing the page number, chapter, appendix or specific location in the reclamation plan indicating where applicable SMARA requirements are located. This chart may be included as an appendix to the reclamation plan.

## METALLIC MINES

Reclamation plans for metallic mines are subject to prescriptive performance standards that include backfilling and re-contouring pursuant to Public Resources Code Sections 2773.3 and 2773.5 and California Code of Regulations Section 3704.1.

## GEOLOGY

1. **DESCRIBE GEOLOGY** of the site and surrounding area, considering principal rock formations, overburden materials, principal ore minerals, and principal non-ore minerals.
2. **DESCRIBE ANY GEOLOGIC CONDITIONS WHICH COULD ADVERSELY AFFECT THE PROJECT**, considering earthquake faults, special studies zones, County Fault Hazard Zones, ground shaking, landslides, mudflows, liquefaction hazard areas, differential settlement, hydroconsolidation, collapsible or expansive soils, wind erosion, water erosion, sedimentation, and inundation due to earthquake induced dam failure. Discuss proposed mitigation. Provide a copy of a Geologic Map covering the project site.

## HYDROLOGY/GROUND WATER

1. **SURFACE AND GROUNDWATER**
  - a. Describe the climatic conditions in and around the site, including annual rainfall and temperature extremes.



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- b. Describe drainage patterns on the site, size of area that drains into site, proposed alteration of drainage patterns.
- c. Describe methods for positive drainage through the site and efforts to minimize adverse effects on adjacent property.
- d. If site is within a recognized floodway, 100 year floodplain, or an area subject to flash flooding, then describe methods to protect project from flood damage to insure that project will not intensify flooding effects on surrounding properties.
- e. Describe groundwater, depth, permeability fault barriers, structural constrictions in the basins, quantity, quality, and direction of flow.
- f. If groundwater is pumped by wells for use on, around, or downstream of the site, describe any adverse effects that may occur to the quantity, quality, or depth of groundwater, and methods to minimize these effects.
- g. If site is within or upstream of a groundwater recharge area, discuss the potential for the project to increase siltation or recharge area or to otherwise decrease its absorptive qualities. Describe methods to protect recharge area from these effects.
- h. If the operation will introduce any toxic substance, contaminate, or otherwise degrade the quality of stream runoff or groundwater from the site, then describe methods to minimize these effects.
- i. If there are any stream gauging stations within the site, then describe methods to preserve or relocate the stations. Coordinate with the following agencies' County Flood Control, Water Conservation District Office, or the United States Geological Survey.

## **MAPS TO BE INCLUDED AND REFERENCED IN MINING CUP/RECLAMATION PLAN OUTLINE:**

1. **GENERAL LOCATION MAP:** Show the projects general location in relation to Inyo County (Scale approx.. 1"=20 miles)
2. **VICINITY MAP:** Show the project's location in relation to Towns, Highways, or other major reference points. Show access route into property. This is the same map that is made a part of the Mine and Reclamation Plot Plans. (Scale approx.. 1"=6.25 miles)
3. **EXTENT OF HOLDINGS MAP:** Show the extent of all property leased, owned, patented, unpatented, or otherwise under your control. Show all access roads. All points must be easily referenced to a section line. Show how each portion of the land is owned. Show file number and any property already permitted.
4. **LOCATION MAP:** Show the limits of the holdings to be permitted. Show all access roads.

## **FINANCIAL ASSURANCE FORMS AND GUIDELINES**

Public Resources Code Section 2773.1 requires a reclamation financial assurance cost estimate for review on a form approved by the State Mining and Geology Board, which can be found at the California Department of Conservation, Division of Mine Reclamation's website at: [https://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/quarterly\\_reports.aspx](https://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/quarterly_reports.aspx).

## **REFERENCE DEFINITIONS**

- **AB3098 List:** The Division of Mine Reclamation periodically publishes a list of mines regulated under SMARA that met provisions set forth under California's Public Resources Code, Section 2717(b). This list is generally referred to as the AB 3098 list, in reference to the 1992 legislation, that established it. Sections 10295.5 and 20676 of the Public Contract Code preclude mining operations that are not on the AB 3098 list from selling sand, gravel, aggregates or other mined materials to state or local agencies.
- **Minerals:** Include any naturally occurring chemical element or compound, or groups of elements and compounds, formed from organic and inorganic processes. Clay, sand, gravel, rock, decomposed granite, slats, alumina, silica, alkali, top soil or growth medium, organic humus and gems represent the aggregate of different materials.
- **Produced Minerals:** Produced minerals as defined in California Code of Regulations (CCR) Section 3501 includes all minerals sold, given, or otherwise moved off the site of the operation, as defined in the approved reclamation plan. Recycled products (e.g. broken concrete, bricks, asphaltic concrete, etc.) or stockpiles of mineral products that remain on the site are not produced minerals for purposes of CCR Section 3695(b).
- **Construction and Demolition:** (C&D) is waste material that is produced in the process of site clearing activities, construction, renovation, or demolition of structures of all types to include road and bridges. Waste material includes, but is not limited to concrete, asphalt, wood, metals, gypsum wallboard and brick.



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- **Exploration or prospecting:** Exploration or prospecting includes the activities in search for minerals by geological, geophysical, geochemical, or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.
  - **Surface Mining Operations:** Surface mining operations include all, or any part of, the process involved in the mining of minerals on mined lands, borrow pitting, segregation and stockpiling of mined materials (and recovery of the same).
  - **Mined Lands:** Include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

**NOTE:** On April 18, 2016, Governor Edmund G. Brown Jr. signed SB209 (Pavley) and AB1142 (Gray) into law and thereby enacted significant changes to SMARA. A number of components of reclamation plans, among other measures changed include the replacement of the Office of Mine Reclamation (“OMR” a department that was created in 1991 within the California Department of Conservation) with the Division of Mine Reclamation (DMR), directed by the “Supervisor of Mine Reclamation”. Many SMARA-related documents may still reference OMR.