

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA, MEMORIALIZING A DETERMINATION OF VESTED MINING RIGHTS AT THE PANAMINT VALLEY LIMESTONE QUARRY

WHEREAS, pursuant to Surface Mining and Reclamation Act (Public Resources Code §2710, et seq.), the California Code of Regulations (14 C.C.R. §3950, et seq.), and *Calvert v. County of Yuba*, (2006) 145 Cal.App.4th 613, a public hearing was duly noticed and conducted by the Board of Supervisors on November 8, 2022 for purposes of making a vested rights determination for the Panamint Valley Limestone Quarry located at 11500 Nadeau Rd. in the unincorporated area of Inyo County (the “Quarry”); and

WHEREAS, during the public hearing, the Inyo County Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons in attendance were given the opportunity to hear and be heard in respect to any matter relating to the vested rights determination; and

WHEREAS, the Inyo County Board of Supervisors has duly considered the evidence presented and finds that all Factual Findings should be made as set forth in Exhibit A, attached hereto and incorporated herein by this reference, and that the vested mining rights should be determined for the Quarry as further set forth in the Vesting Determinations listed in Exhibit B, attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Inyo County Board of Supervisors that,

1. The recitals above are incorporated herein as findings.
2. Based on the evidence presented and California Supreme Court case of *Hansen Bros. Enterprises v. Nevada County*, (1996) 12 Cal.4th 533, the Board of Supervisors declares, approves and adopts all Factual Findings listed in Exhibit A, attached hereto and incorporated herein by this reference, and determines that the Quarry has a vested right to surface mine as further set forth in the Vesting Determinations listed in Exhibit B, attached hereto, and incorporated herein by this reference.
3. Notwithstanding this determination, the submission of an updated reclamation plan and financial assurances shall be required prior to any mining activity at the Quarry that expands beyond the area already under the approved reclamation plan and covered by the current financial assurances.
4. This item is not subject to the California Environmental Quality Act pursuant to Public Resources Code § 21080 because it is not a “project” under the meaning of Public Resources Code § 21065 and Title 14 California Code of Regulations § 15378. The determination of vested rights is simply a recognition of an existing legal right to extract resources and therefore, the decision does not result in the direct or indirect physical change in the environment.

PASSED AND ADOPTED this ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jennifer Roeser, Chairperson
Inyo County Board of Supervisors

ATTEST: Nate Greenberg
Clerk of the Board

By: _____
Darcy Ellis, Assistant
Assistant Clerk of the Board