

**INYO COUNTY PLANNING COMMISSION**

**Howard Lehwald  
Caitlin (Kate) J. Morley  
Todd Vogel  
Callie Peek  
Scott Kemp**

**First District  
Second District  
Third District (Chair)  
Fourth District (Vice Chair)  
Fifth District**

Inyo County Planning Commission  
Post Office Drawer L  
Independence, CA 93526  
(760) 878-0263  
(760) 872-2712 FAX  
[invoplanning@invocounty.us](mailto:invoplanning@invocounty.us)

STAFF

Cathreen Richards	Planning Director
Ryan Standridge	Associate Planner
Danielle Visuano	Associate Planner
Cynthia Draper	Assistant Planner
Michael Errante	Public Works Director
Nate Greenberg	County Administrator
Christian Milovic	Assistant County Counsel

**This meeting will be held in the Board of Supervisors Room located at 224 N. Edwards Street, in Independence California, beginning at 10:00 a.m.**

- Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order, or the items are continued. Estimated start times are indicated for each item. The times are approximate, and no item will be discussed before its listed time.
- Lunch Break will be given at the Planning Commission's convenience.
- The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.
- The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

**Public Notice:** In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

**June 26, 2024**

**10:00 A.M.**

1. **PLEDGE OF ALLEGIANCE.**
2. **ROLL CALL – Roll Call to be taken by staff.**

3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the agenda.
4. **APPROVAL OF MINUTES** – Approval of minutes from the April 24, 2024, Planning Commission Meeting.
5. **STIPULATED ORDER - AMERICAN PERLITE MINE** - The American Perlite Mine is in violation of Reclamation Plan 1990-02 due to unauthorized mining activities. A Stipulation Agreement outlining corrective actions has been drafted, necessitating a hearing for approval. The proposed Stipulated Order mandates compliance with approval conditions, mitigation measures, the reclamation plan, and the Surface Mining and Reclamation Act. Approval of this order is exempt from the California Environmental Quality Act (CEQA) under section 15321, Enforcement Action by Regulatory Agencies.
6. **ZONE TEXT AMENDMENT 2024-02/INYO COUNTY – MOBILE FOOD FACILITIES** - Staff has prepared a Draft Ordinance to include Mobile Food Facilities as a principal permitted use on private property in the Central Business, Highway Services and Tourist Commercial and Commercial Recreation Zones. The draft also includes regulations to address possible nuisances that may be created by them. The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3) and 15268 – Ministerial Projects.
7. **COMMISSIONERS’ REPORTS/COMMENTS**
9. **PLANNING DIRECTOR’S REPORT**
10. **ADJORN**

# COUNTY OF INYO PLANNING COMMISSION

## MINUTES OF APRIL 24, 2024 MEETING

### COMMISSIONERS:

HOWARD LEHWALD  
CAITLIN (KATE) J. MORLEY  
TODD VOGEL  
CALLIE PEEK  
SCOTT KEMP

FIRST DISTRICT  
SECOND DISTRICT  
THIRD DISTRICT (CHAIR)  
FOURTH DISTRICT (VICE)  
FIFTH DISTRICT

Inyo County Planning Commission  
Post Office Drawer L  
Independence, CA 93526  
(760) 878-0263  
(760) 872-0712 FAX

### STAFF:

CATHREEN RICHARDS  
CHRISTIAN MILOVICH  
RYAN STANDRIDGE  
DANIELLE VISUAÑO  
CYNTHIA DRAPER  
SALLY FAIRCLOTH  
NATE GREENBERG  
MIKE ERRANTE

PLANNING DIRECTOR  
ASSISTANT COUNTY COUNSEL  
ASSOCIATE PLANNER  
ASSOCIATE PLANNER  
ASSISTANT PLANNER  
PROJECT COORDINATOR  
COUNTY ADMINISTRATOR  
PUBLIC WORKS DIRECTOR

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The Inyo County Planning Commission met in regular session on Wednesday, April 24, 2024. Commissioner Vogel opened the meeting at 10:03 a.m. These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

**ITEM 1:**     **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:03 a.m.

**ITEM 2:**     **ROLL CALL** - Commissioners, Todd Vogel, Kate Morley, Callie Peek and Howard Lehwald were present.

Staff present: Cathreen Richards, Planning Director, Danielle Visuaño, Associate Planner, Cynthia Draper, Assistant Planner, and Christian Milovich, Assistant County Counsel.

Staff absent: Nate Greenberg, County Administrator; Michael Errante, Public Works Director, Sally Faircloth, Project Coordinator.

**ITEM 3:**     **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the agenda.

Chair Vogel opened and closed the Public Comment Period at 10:05 a.m.  
No comments were made.

**ITEM 4:**     **APPROVAL OF MINUTES** – Approval of minutes from February 28, 2024, Planning Commission Meeting.

**MOTION:**     Chair Vogel made the motion to approve the minutes. The motion was seconded by Vice Chair Peek.

Minutes were approved unanimously by general consent.

**ITEM 5:**

**Zone Text Amendment 2023-01/Two-Unit Development.** Staff are proposing to amend Chapter 18.84 of the County Code with the adoption of a Senate Bill 9 (SB9) Two-Unit Development ordinance to address and incorporate the SB9 Two-Unit Development requirements, a state mandate. The proposed amendment also provides recommendations to variable implementation measures to ensure the County not only meets the State's SB9 Two-Unit Development requirements but also meets the needs specific to the County of Inyo. SB9 allows for the development of two primary dwellings on a single-family residentially zone parcel located in the urbanized area of Bishop, as defined by the U.S. Census, if certain criteria are met. The Planning Commission will be considering providing a recommendation to the Board of Supervisors to adopt the proposed amendment. The amendment is exempt from CEQA pursuant Government Code Section 65852.21(j) and Section 21000 of the Public Resources Code and is further exempt from CEQA pursuant to 15303 of the CEQA guidelines.

Danielle Visuaño, Associate Planner, presented the staff report along with presenting a slide show.

All Commissioners had questions and comments regarding the presentation.

Ms. Visuaño addressed the Commission's comments and answered each question.

Commissioner Lehwald expressed his dislike for state mandates.

Chair Vogel opened and closed the public hearing and opened discussion with the Commissioners at 10:50 A.M.

**MOTION:** Commissioner Morley moved to recommend the adoption of the attached Resolution recommending the Board of Supervisors consider ZTA 2023-01, make certain findings, and adopt the proposed ordinance adding Chapter 18.84 to the Inyo County Code.

Vice Chair Peek seconded the motion.

The Motion passed 3-1

**ITEM 6:**

**Subdivision Text Amendment 2023-02/SB9 Urban Lot Split.** Staff are proposing to amend Chapter 16.25 of the County Code with the adoption of a Senate Bill 9 (SB9) Urban Lot Split ordinance to address and incorporate the SB 9 Urban Lot Split requirements, a state mandate. The proposed amendment also provides recommendations to variable implementation measures to ensure the County not only meets the State's SB9 Urban Lot Split requirements but also meets the needs specific to the County of Inyo. SB9 allows for an Urban Lot Split of a single-family residentially zone parcel located in the urbanized area of Bishop, as defined by the U.S. Census, if certain criteria are met. The Planning Commission will be considering providing a recommendation to the Board of Supervisors to adopt the proposed amendment. The amendment is exempt from CEQA pursuant Government Code Section 66411.7(n) and Section 21000 of the Public Resources Code and is further exempt from CEQA pursuant to 15303 of the CEQA guidelines.



Danielle Visuaño, Associate Planner, presented the staff report along with presenting a slide show.

All Commissioners had questions and comments regarding the presentation.

Ms. Visuaño addressed the Commission's comments and answered each question.

Chair Vogel opened and closed the public hearing and opened discussion with the Commissioners at 11:22 a.m.

**MOTION:** Chair Vogel moved to approve the adoption of the attached resolution recommending the Board of Supervisors consider STA 2023-02, make certain findings, and adopt the proposed ordinance adding Chapter 16.25 in the Inyo County Code.

Commissioner Morely seconded the motion.

The Motion passed 3-1 at 11:25

**ITEM 7: COMMISSIONER'S REPORT/COMMENTS -**

Chair Peek stated that she may not be at the June Meeting. Chair Morely reported that the City of Bishop Planning Department and Public Works had a booth at Earth Day, soliciting input on funding they hope to apply for regarding parking, sidewalks, and crosswalks.

**ITEM 8: DIRECTOR'S REPORT –**

Planning Director, Cathreen Richards, stated that the Barker Solar appeal was pushed again to May 3<sup>rd</sup> at a 9a.m. special meeting and that there would be a May 22, 2024, Planning Commission meeting. She went on to say that the Planning Department hired a Code Compliance Inspector.

**ADJOURNMENT:** Vice Chair Peek motioned to adjourn the meeting at 11:28 a.m..

Seconded by Chair Todd Vogel.

Motion passed unanimously.

Prepared by:  
Cynthia Draper  
Assistant Planner



**Planning Department**  
**168 North Edwards Street**  
**Post Office Drawer L**  
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**AGENDA ITEM NO.:** 5(Action Item – Public Hearing)

**PLANNING COMMISSION MEETING DATE:** June 26, 2024

**SUBJECT:** Approve the Stipulated Order requiring compliance with the Surface Mining and Reclamation Act

### **EXECUTIVE SUMMARY**

American Perlite Corporation is the operator of the American Perlite Mine and is in violation of Reclamation Plan 1990-02 due to mining activities occurring outside of the permitted boundaries. As a result of these violations, the parties have drafted a Stipulation Agreement which outlines all necessary corrective actions, and a hearing is required to approve these corrective actions. A Stipulated Order to comply with the conditions of approval, mitigation measures, reclamation plan, and the Surface Mining and Reclamation Act has been prepared, detailing the requirements for the mine operator to correct the violations.

Pursuant to Inyo County Code § 7.70.070(c) and Public Resources Code § 2774.1(2)(A), a hearing to approve the Stipulated Order is necessary because the proposed corrective action will exceed the 30 day window the law allows for the operator to come into compliance. The operator hired qualified consultants to prepare the attached proposed Stipulation Agreement.

The approval of the Stipulation Order is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15321 Enforcement Action by Regulatory Agencies, of the CEQA Guidelines.

### **PROJECT INFORMATION**

**Supervisory District:** 4

**Project Applicant:** Justin Clarke with American Perlite Corp.

**Property Owner:** American Perlite Corp

**Site Address:** Fuller Road

**Community:** Birch Creek-Tinemaha CA

**A.P.N.:** 018-350-17, 18-350-06, 018-350-05

**General Plan:** Rural Protection (RP)

**Zoning:** Open Space, 40 acre minimum (OS-40)

**Size of Parcel:** 018-350-17 is approx. 39.03 Acres, 18-350-06 is approx. 154.72 Acres, 018-350-05 is approx. 140 acres.

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Mine	Rural Protection (RP)	Open Space – 40 acre minimum (OS-40)
North	Vacant, Ranch	State & Federal Land (SFL) and Rural Protection (RP)	Open Space – 40 acre minimum (OS-40)
East	Vacant	Natural Resource (NR)	Open Space – 40 acre minimum (OS-40)
South	Vacant	Natural Resource (NR)	Open Space – 40 acre minimum (OS-40)
West	Vacant	Natural Resource (NR)	Open Space – 40 acre minimum (OS-40)

**Staff Recommended Action:**

1) Find that the action is exempt from the California Environmental Quality Act pursuant to section 15321 Enforcement Action by Regulatory Agencies, of the CEQA Guidelines.

2) Make all necessary findings outlined below in A-E below.

3) Approve the Stipulated Order requiring compliance with conditions of approval, mitigation measures, and the reclamation plan.

**Alternatives:**

1) Modify the Stipulation Order as the Commission sees fit.

2) 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 Standridge, Associate Planner and SMARA Coordinator

**STAFF ANALYSIS**

The American Perlite Mine has been operational since mid-1950. The Surface and Mine Reclamation Act of 1975 was enacted in September 1979, requiring mining operations to have a reclamation plan approved by the Lead Agency which is Inyo County. An update by the legislature in 1987 required existing mines to have a reclamation plan approved by the lead agency. This change in the law resulted in multiple letters to the American Perlite Company, requesting it apply for a reclamation plan in 1989. On September 26, 1990, the Inyo County Planning Commission approved a Reclamation Plan for the American Perlite Mine after clarification was provided on what, exactly, needed to be reclaimed. This 1990 plan limited mining to 5.4 acres, allowing excavation and processing of perlite from 500 tons per month to a maximum of 50,000 tons per year. The mine operation changed ownership in 1992 to James Duncan, who intermittently mined the site until the American Perlite Corporation purchased the property in 2019.

In accordance with the State Surface Mining and Reclamation Act (SMARA), Inyo County is required to conduct annual inspections for each mine within the County. Every July, the SMARA Coordinator mails a letter to all operators informing them of their upcoming responsibilities to demonstrate compliance with SMARA by providing Inspection fees, an annual SMARA report questionnaire, a mining operating report, and a Financial Assurance Cost Estimate (FACE). Inyo County conducted its necessary inspection of the American Perlite Mine on September 7, 2023. During this inspection, staff observed that the operator had mined outside of the approved reclamation plan boundary, installed a gate on a public roadway that blocked access without permission from the Los Angeles Department of Water and Power (landowner), and placed an office trailer illegally. The County also requested that Solomon Latoski (former manager) provide proof of water rights; however, the operator did not provide proof of grandfathered water rights. In the process of preparing a notice of violation, it was brought to the SMARA Coordinator's attention that the operator had pending violations with the Department of Mining Reclamation, Inyo County Environmental Health (CUPA), Inyo County Building and Safety, Great Basin Air Pollution Control District, and a possible violation with the California Department of Fish and Wildlife (CDFW) for water withdrawal.

According to Public Resources Code Sections 2774.1(a) and 2774.1(b), a Notice of Violation (NOV) was sent electronically and mailed to the operator on January 12, 2024, requesting compliance within 30 days. In response to the NOV, the operator immediately removed the gates and worked on clearing the violation with the Department of Mining Reclamation. A follow-up multi-agency inspection was scheduled for January 31, 2024, with the Department of Mining Reclamation, Building & Safety, Environmental Health, Great Basin, and Code Enforcement. Clarifications and action items for violation resolution were emailed to the owner.

The Department of Mine Reclamation periodically publishes the California Regulatory Notice Register list (AB3098), allowing mine operations regulated under Public Contract Code to sell to local and state agencies. To be included on this list, an operation must meet all the following conditions: it must have an approved reclamation plan, an approved financial assurance, it must have filed its annual report, have paid its reporting fee, and have had its annual inspection by the Lead Agency, reflecting that the operation is in compliance with the law. The violations discovered by the County during its September 7, 2023 inspection jeopardizes the mine's ability to be listed on the state's Resister List and while the operator made a good faith effort to comply with the necessary requirements, staff has determined it is impossible for the operation to achieve

compliance within 30 days. Consequently, pursuant to Public Resources Code Section 2717, the County and the operator have drafted a Stipulation Agreement outlining the necessary actions required for the operation to come into compliance with its reclamation plan, a copy of this agreement is attached to this staff report. The proposed Stipulated Order submitted for the Planning Commission's consideration and approval, reflects this Agreement and detailed the requirements and schedule for the mine operator to correct the violations and remain on the AB 3098 list. This order is necessary to provide a structured path to compliance.

The Stipulated Order is exempt from the California Environmental Quality Act (CEQA) pursuant to 15321 Enforcement Action by Regulatory Agencies. However, any subsequent updates to the reclamation plan and/or the conditional use permit will be subject to CEQA review.

The Stipulated Order to comply with the reclamation plan details the requirements and schedule for the mine operator to correct the violations and remain on the AB 3098 list. Failure to comply could result in the operation falling out of compliance with county permit requirements, state and/or federal requirements and potentially lead to permit revocation(s) or agency action.

## **RECOMMENDATION**

Staff recommends the Planning Commission approve the Stipulated Order to correct violations and comply with the conditions of approval, mitigation measures, reclamation plan, and the Surface Mining and Reclamation Act.

## **Findings**

- A. During an annual surface mine inspection, staff observed that the operator's mining activities outside of the permitted boundary violated both the Reclamation Plan and SMARA. *[Evidence: Copy of the annual surface mining report.]*
- B. A Notice of Violation was issued to the operator, requesting compliance within 30 days. In response, the operator submitted an incomplete application to amend the violation. Staff determined that compliance could not be completed within 30 days and requested the matter be taken to the Planning Commission to issue a Stipulated Order. *[Evidence: Copy of the incomplete application letter.]*
- C. The violation places the mine operation at risk of being removed from the AB 3098 list published by the Office of Mine Reclamation, which allows mine operations to sell mined materials to state and/or local agencies. *[Evidence: Public Resource Code §2717(b).]*
- D. The Stipulated Order, with compliance in progress, will allow the American Perlite mine to remain on the AB 3098 list. *[Evidence: Public Resource Code §2774.1(4)(a).]*

- E. The public hearing has been properly noticed and published. [*Evidence: Notice of the date of this hearing was posted in the June 11, 2024, Inyo Register and made available on the Planning website.*]

## **Orders**

1. The Planning Commission mandates that American Perlite Corporation must enter into the attached Stipulation Agreement. This Agreement shall be binding upon the date the Planning Commission approves the Stipulated Order.
2. The Stipulation Agreement may be executed and delivered in counterparts. Each counterpart, when executed and delivered, shall be considered an original. Together, these counterparts will constitute one document.
3. If the operator violates or fails to comply with the attached Stipulation Agreement, it shall be subject to an administrative penalty of up to five thousand dollars (\$5,000) per day. This penalty shall be assessed from either the original date of noncompliance as specified in Public Resource Code §2774.1(3)(C)(c), including Section 2207, or from the date of the inspection when the violation was identified, at the sole discretion of the issuer of the notice of that violation.
4. The penalty may be imposed administratively by the Lead Agency. In determining the amount of the administrative penalty, the Lead Agency shall consider the nature, circumstances, extent, and gravity of the violation(s), any prior history of violations, the degree of culpability, economic savings resulting from the violation, and any other matters justice may require.

## **ATTACHMENTS**

- A. Violation Letter/Annual Report/ Incomplete Application letter
- B. Public Resource Code
- C. Proposed Stipulation Agreement
- D. Stipulation agreement
- E. Resolution 2024-05



**Planning Department  
168 North Edwards Street  
Post Office Drawer L  
Independence, California 93526**

Phone: (760) 878-0263  
FAX: (760) 878-0382  
E-Mail: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)

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**Notice of Violation Pursuant to SMARA § 2774.1 and  
Inyo County Code § 7.70.070 and § 14.16.010**

**January 12, 2024**

Justin Clarke  
American Perlite  
2605 Goodrick Ave  
Richmond, Ca 94801  
[Justin@NorCalperlite.com](mailto:Justin@NorCalperlite.com)

**VIA CERTIFIED MAIL AND EMAIL**

***RE: Mine ID# 91-14-0014 / American Perlite Mine***

Dear Mr. Clarke:

This letter is to notify you that the American Perlite Mine is in violation of the California Surface Mining and Reclamation Act (SMARA) and the Inyo County Code (ICC). Please consider this letter to be a formal Notice of Violation pursuant to ICC § 7.70.070. Per ICC § 7.70.070(A), **all violations listed below must be remedied within thirty days** or the Inyo County Planning Department will issue an Order to Comply pursuant to ICC § 7.70.070.

The violations currently present with respect to the American Perlite mine are as follows:

- Failure to provide Inyo County with the 2022 annual operating report (MRRC2 form) as well as the corrected 2020, 2021 annual reports, additionally, failure to pay your report fees to the Department of Mining and Reclamation (DMR). (See attachment A). You must provide a copy of the approved reports and proof of payment to DMR within 30 days of receipt of this notice.
- Failure to provide Financial Assurance Cost Estimate (FACE). The FACE must have the following: must be prepared by a California Licensed Grading Contractor, Licensed Civil Engineer, and or Licensed Geologist. Third Party quotes must include the following: name and location of company and contractor license number, Statement of Qualification and experience, mine site location and mine Id, complete description of work, third-party estimate effective dates, a signature of responsible party with seal and

license stamped on the document.

- Your mine disturbance exceeds the 5.4 acres of per the reclamation plan by 74.60 acres.  
American Perlite Company was sent numerous letters in 1988 to request the operator apply for permits. On November 28, 1989, the State and Mining Geology Board notified Inyo County the time extension period ended on March 31, 1988, and legislature's hard deadline was July 1, 1990, for implementation of AB747. Upon receiving an application, Inyo County Planning and Public Works Departments staff completed a field inspection on July 5, 1990. The field inspections determined that 5.4 acres of disturbance was being evaluated for the reclamation plan. Any expansion of mining activity or surface disturbance beyond that depicted by the aerial photographs taken with reclamation plan 90-2 shall require the submission of an amended reclamation plan including a conditional use permit application to be approved by Inyo County. For your convenience I have attached the supporting documents as attachment B. You must apply for a conditional use permit with an updated reclamation plan or enter a stipulation agreement within thirty (30) days of receipt of this letter.
- The office building on your mining site was illegally placed. You were notified that a building permit was required by email, (See attachment C). You have thirty days to remove the building as it will not meet the snow load requirements required by the building code
- You have installed a locked gate on the dirt road that is not part of the mine. On your first inspection, after taking over American Perlite, you were told you could not encroach into that road. Your fencing must be outside of the roadway in your mining area on the southwest area. See the attached signed reclamation plan acknowledgement (attachment D). You have 30 days to remove the gate.

The County, acting as Lead Agency for the implementation of SMARA, demands that all the above violations be remedied within thirty days. If American Perlite fails to meet the February 13, 2024, deadline, the County will seek an order to comply from the Planning Commission imposing administrative penalties in the amount of \$50 per day, calculated from the date the violation occurred per Public Resources Code § 2773.4(d)(1)(A). If you have any questions, you may contact the County Planning Department at (760) 878-0405 or email me at [rstandridge@inyocounty.us](mailto:rstandridge@inyocounty.us). Pursuant to Inyo County Code § 7.70.070(c), a hearing to determine whether the Planning Commission will / will not: 1) find that these violations have occurred and, 2) issue an order imposing the penalties and remedies described above has been set for **March 27, 2024 at 10 a.m.** This letter also serves as notice of this hearing. If you have any questions, you may contact the County Planning Department at (760) 878-0405 or email me at [rstandridge@inyocounty.us](mailto:rstandridge@inyocounty.us).



Sincerely,

A handwritten signature in black ink, appearing to read "Ryan K. Standridge". The signature is fluid and cursive, written over a light blue horizontal line.

**Ryan Standridge**  
**Associate Planner/SMARA Coordinator**

**cc: Christina Milovich, Deputy County Counsel**  
**Cathreen Richards, Inyo County Planning Director**  
**Mike Errante, Public Works Director**  
**Jennifer Roeser, Inyo County Board of Supervisor**  
**Jaqueline Moore, Geology Unit Division of Mine Reclamation**  
**Tyson Sparrow, Building Department**  
**Tehauna Tiffany, Code Enforcement**  
**Jerry Oser, Environmental Health**  
**Donald McGhie, Department of Water & Power Real estate Dept.**

# Attachment A

## Department of Mone Reclamation Correspondence



California  
**Department of Conservation**  
Division of Mine Reclamation

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January 3, 2024

Dennis/Nancy/Justin  
AMERICAN PERLITE COMPANY  
2605 Goodrick Ave.  
Richmond, CA 97537

**MISSING AND/OR INCOMPLETE 2020 MINING OPERATION ANNUAL REPORT INFORMATION  
FOR THE AMERICAN PERLITE COMPANY OPERATION, CALIFORNIA MINE ID #91-14-0014**

The Department of Conservation has received your 2020 Mining Operation Annual Report (MRRC-2) package as required by the Surface Mining and Reclamation Act of 1975, Public Resources Code (PRC) Item 2207. Some required information within your annual report has been omitted and/or was filled-out incorrectly.

Page 3

- Item 16 A reporting fee payment must accompany the Annual Report. See "Attachment 1" (FEES SCHEDULE) of the instruction packet on our website at [www.conservation.ca.gov/dmr](http://www.conservation.ca.gov/dmr).

You are required to submit the missing information and/or documents to correct the noted discrepancies within thirty (30) days from receipt of this letter. Failure to do so may subject this operation to administrative penalties as provided in PRC Item 2774.1(c).

Please mail all required attachments, corrections, or documentation to:

Reporting Unit  
Department of Conservation  
Division of Mine Reclamation (DMR)  
715 P Street, MS 1905  
Sacramento, CA 95814

If you have any questions regarding the contents of this letter, contact Lolita Urrutia, Reporting Analyst, by email at [Lolita.Urrutia@conservation.ca.gov](mailto:Lolita.Urrutia@conservation.ca.gov) or at the address below.

Sincerely,

April Balestreri, Manager  
Reporting Unit

CC: County of Inyo, Lead Agency  
JUSTIN CLARKE, Report Submitter



**California**  
**Department of Conservation**  
Division of Mine Reclamation

Gavin Newsom, Governor  
David Shabazian, Director

January 3, 2024

Dennis/Nancy/Justin  
AMERICAN PERLITE COMPANY  
2605 Goodrick Ave.  
Richmond, CA 97537

**2021 MINING OPERATION ANNUAL REPORT FOR THE AMERICAN PERLITE  
COMPANY OPERATION, CALIFORNIA MINE ID #91-14-0014.**

The Department of Conservation has processed your 2021 Mining Operation Annual Report (MRRC-2) and reporting fee as required by the Surface Mining and Reclamation Act of 1975, Public Resources Code Section 2207.

If you have any questions, you may contact the DMR Reporting Unit by email at [DMR-Reporting@conservation.ca.gov](mailto:DMR-Reporting@conservation.ca.gov) or at the address below.

Thanks for your submittal.

Sincerely,

April Balestreri, Manager  
Reporting Unit

cc: Justin Clarke, Report Submitter



January 3, 2024

Dennis/Nancy/Justin  
AMERICAN PERLITE COMPANY  
2605 Goodrick Avenue  
Richmond, CA 94801

**MISSING AND/OR INCOMPLETE 2022 MINING OPERATION ANNUAL REPORT INFORMATION  
FOR THE AMERICAN PERLITE COMPANY OPERATION, CALIFORNIA MINE ID #91-14-0014**

The Department of Conservation has received your 2022 Mining Operation Annual Report (MRRC-2) package as required by the Surface Mining and Reclamation Act of 1975, Public Resources Code (PRC) Item 2207. Some required information within your annual report has been omitted and/or was filled-out incorrectly.

Page 3

- Item 16 A reporting fee payment must accompany the Annual Report. See "Attachment 1" (FEES SCHEDULE) of the Instruction packet on our website at [www.conservation.ca.gov/dmr](http://www.conservation.ca.gov/dmr).

You are required to submit the missing information and/or documents to correct the noted discrepancies within thirty (30) days from receipt of this letter. Failure to do so may subject this operation to administrative penalties as provided in PRC Item 2774.1(c).

Please mail all required attachments, corrections, or documentation to:

Reporting Unit  
Department of Conservation  
Division of Mine Reclamation (DMR)  
715 P Street, MS 1905  
Sacramento, CA 95814

If you have any questions regarding the contents of this letter, contact Lolita Urrutia, Reporting Analyst, by email at [Lolita.Urrutia@conservation.ca.gov](mailto:Lolita.Urrutia@conservation.ca.gov) or at the address below.

Sincerely,

April Balestreri, Manager  
Reporting Unit

CC: County of Inyo, Lead Agency  
JUSTIN CLARKE, Report Submitter

# **Attachment B**

## **Staff Report**

### **Map**

**Photos take July 5, 1990**

**Notice of Decision**

**Revegetation map 5.4 acres**

**Reclamation Statement**



**PLANNING DEPARTMENT**

DRAWER L • INDEPENDENCE • CALIFORNIA 93526

OFFICE: (619) 878-2411 (Ext 2263)

FAX: (619) 878-2542

County of  
**INYO**

Roger DeHart *RDH*  
Planning Director

**PLANNING DEPARTMENT STAFF REPORT**

**AGENDA ITEM NO. 9**

**AUGUST 22, 1990**

**RE: RECLAMATION PLAN #90-2 / AMERICAN PERLITE COMPANY**

**PROJECT LOCATION:**

The project site is located four and one-half (4.5) miles west of U.S. Highway 395 on Fuller Road (aka Fuller Creek Road) seven (7) miles south of the community of Big Pine. (Township 10 South, Ranges 33 & 34 East, portions of Sections 24, 25, 19 & 30 - see attached Vicinity Map).

The project is located entirely on privately owned lands zoned OS - 40 (Open Space - 40 acres minimum). Surrounding land uses are as follows:

- North: Baxter Ranch and Vacant BLM Lands.  
Cattle Raising and Bee-Keeping.
- South: Vacant BLM Lands.
- East: LADWP Vacant Lands
- West: Billiwack Ranch.  
Vacation Retreat.

**BACKGROUND:**

The project consists of a reclamation plan covering an existing mining operation that has been on-going since the mid-1950's. Previous operators have also utilized the site prior to that date. As the State Surface Mining and Reclamation Act of 1975 (SMARA) now requires a reclamation plan for any on-going ("vested") mining operation, the applicant has filed a mining reclamation plan application with the Inyo County Planning

Department.

The mineral mined is a volcanic silicate material known as Perlite. It was deposited in a large knoll which is over five hundred feet (500') in height and covers approximately seven hundred (700) acres. Practically, the entire knoll consists of Perlite. As the area is a geologic anomaly with a high percentage of obsidian in the strata it is believed that Native Americans gathered the workable obsidian chips from the site and then transported the material to the Tinemaha Creek area to work the obsidian into usable tools and arrowheads.

Perlite is a mineral that has many varied uses. When heated to approximately 1,700 degrees fahrenheit it expands from four to twenty times its original size by forming air pockets. This finished material can then be utilized for a number of products such as:

1. Absorbent and dehydrator for cleanup, solidification and disposal of liquid waste.
2. Soil amendment.
3. Lightweight concrete.
4. Insulation.
5. Cryogenics (Space Program).
6. Paint fillers.
7. Stucco.
8. Spray on ceilings and roofing material.
9. Tile cleanser.
10. Cattle feed supplement.

The Perlite is extracted by open pit mining methods by shovel and scraping. No drilling or blasting is required. The Perlite is trucked to an on-site processing mill. The Perlite is crushed to various sizes, dried to remove excess water and placed in storage silos for future transport.

An estimated 50,000 tons of Perlite are extracted per year. At the current volume of extraction, the life of the mine operation is estimated to be eight thousand years. The Perlite is shipped to processing facilities in California, Utah, Nevada and Oregon.

Waste material is generated by the mining process. The waste material is comprised of fines generated by the milling process and the four to five feet (4' - 5') of overburden on the Perlite deposit. The tailings are placed in a fifty foot (50') by fourteen hundred foot (1,400') ravine located to the northwest of the main mining operation and covered daily by the overburden to control dust.

Various structures exist on the site. These structures are a large silo/storage/dispersing structure where the dried Perlite is stored prior to transport, a large barrel-like drying kiln, a shop/garage building and other assorted accessory structures and trailers. Various pieces of wheeled mining equipment are also stored and utilized on the site.



The mining operation employs eight (8) miners per eight hour shift. There are two shifts per day. Access to the site is provided by Fuller Road which is a paved County road.

There is no water supply at the site and the water used for dust suppression on the haul roads is taken from Tinemaha Creek. No water is utilized at the site for the milling process. Potable water is transported to the site on an as needed basis.

No additional road construction is required beyond maintenance of the existing roads crossing the property from the mining area to the waste dump and Fuller Road.

RECLAMATION PLAN:

The project before the Commission consists of a reclamation plan submitted to satisfy the requirements of SMARA and covers an existing mining operation. Currently, it is estimated that one-third of the surface of the deposit has been disturbed by the mining operations. Any expansion of surface disturbance beyond that considered in this reclamation plan will require an application for a Conditional Use Permit and an amended reclamation plan.

The reclamation plan, as submitted, calls for the removal of all structures and equipment from the site including the mill equipment. All of the access and ore hauling roads are to be ripped and scarified. All open pits and piles of ore and waste materials/overburden shall be leveled to conform with the existing terrain. Any cut slopes will either be benched or sloped to blend in with the existing contours of the land. Portions of the disturbed areas are to be revegetated by the application of plant seeds appropriate to the area.

The applicant has indicated the desire to institute some ongoing reclamation measures involving a general clean-up of the site of all metal and waste debris. This ongoing reclamation will also include restoration of all mined-out areas by backfilling with overburden and seeding to promote revegetation.

Based upon the long history of continued mining at the site and the large ore reserves it appears that only a major economic event would result in the mining activity being discontinued and abandoned. This may result in a difficult determination as to when the mining activity "ceases" and when the reclamation plan is to be implemented.

A field inspection of the site with the Public Works Department was made on July 5, 1990. It was determined that the cost of the reclamation of the existing site would be \$128,958.00. This amount is based upon the disassembly of the crushing unit, silos, welded and ringed tanks, buildings, steel walkways and conveyer belts (\$83,152.00). The concrete footings and building slabs are

to be removed (or buried) along with the paved parking area (\$31,164). All of the roads are to be ripped, the plant site leveled, all berms are to be removed and the entire area sloped to drain (\$6,517.00). Hydroseeding will only be required on the overburden, plant site, roads and leveled area. This area of disturbance is estimated at 5.4 acres (\$8,125.00). Attached is a copy of the Public Works Department's cost estimate. We are recommending that a surety bond be posted in the amount of \$129,000.00 to insure the above reclamation measures.

ENVIRONMENTAL REVIEW:

In reviewing the reclamation plan in conjunction with the California Environmental Quality Act (CEQA) provisions two interpretations can be made.

The first is that the proposed reclamation plan is covered by the "general rule" provision of CEQA (Section 15061(b)(3)) in that it can be clearly seen the project (reclamation plan) will not have any significant effect on the environment. Therefore, no environmental documents are required to be prepared.

The project involves the reclamation of an existing mining site and does not involve further surface disturbance or actions which would result in any environmental impact. If the applicant, at a later date, wishes to expand the mining operation then a Conditional Use Permit would be required for which an environmental document is required.

Secondly, the project (reclamation plan) can also be considered as a Class 8 Categorical Exemption (Section 15308). This type of exemption involves actions by the County, as authorized by state or local ordinance, to assure the restoration, enhancement or protection of the environment. A SMARA reclamation plan is compatible with the definition of this exemption. Under this type of exemption no environmental document is required to be prepared.

RECOMMENDATIONS:

The Planning Department recommends the Planning Commission approve Reclamation Plan #90-2 by taking the following actions:

1. Find that the proposed reclamation plan is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) ["general rule"] and Section 15308 [Class 8 Exemption] of the CEQA Guidelines.

2. Find that the proposed reclamation plan conforms and meets the requirements of Chapter 18.76 (Mining and Land Reclamation) of the Inyo County Code and the provisions of the State Surface Mining and Reclamation Act (SMARA).
3. Any expansion of the of the mining activity or surface disturbance beyond that depicted on the aerial photograph submitted with Reclamation Plan #90-2 shall require the submission of an amended reclamation plan including a conditional use permit application, to be approved by Inyo County. Lowering of the existing mined surface shall not be considered as an expansion.
4. No sidcasting of waste, overburden, pumice, rhyolite or perlite shall be permitted during any mining or reclamation phase.
5. All stockpiles of ore, overbudrden, waste materials shall be leveled and graded to conform with the existing terrain within six (6) months of closure.
6. Surface disturbances (hills, hummocks, ridges, depressions, pits, etc.) shall be leveled, filled and graded to blend with the terrain. Special care shall be given to the drainage patterns within the disturbed areas in order not to promote accelerated soil erosion. Said grading shall be completed within six (6) months of closure.
7. All access roads, haul roads and areas of compacted soils shall be ripped and scarified within six (6) months of closure.
8. All mining equipment, mill equipment, vehicles, structures, loading chutes and debris shall be removed from the site within six (6) months of closure.
9. All concrete pads and foundations shall either be removed or buried with a minimum of two (2) feet of soil within six (6) months of closure.
10. The final contoured area of surface disturbance which is to be revegetated shall consist of 5.4 acres as shown on the Exhibit Map. The area shall be prepared and hydroseeded with a native specie mix that has been approved by the Inyo County Planning Department within six (6) months of closure.
11. A surety bond in the amount of \$129,000.00 shall be posted in favor of Inyo County in order to insure that the project site shall be reclaimed in accordance with the conditions of the reclamation plan within three (3) months from approval of this plan.
12. The applicant shall submit a notarized statement to the Planning Department accepting responsibility for reclaiming the lands as per the conditions specified herein within three (3) months from the date of approval of this plan.

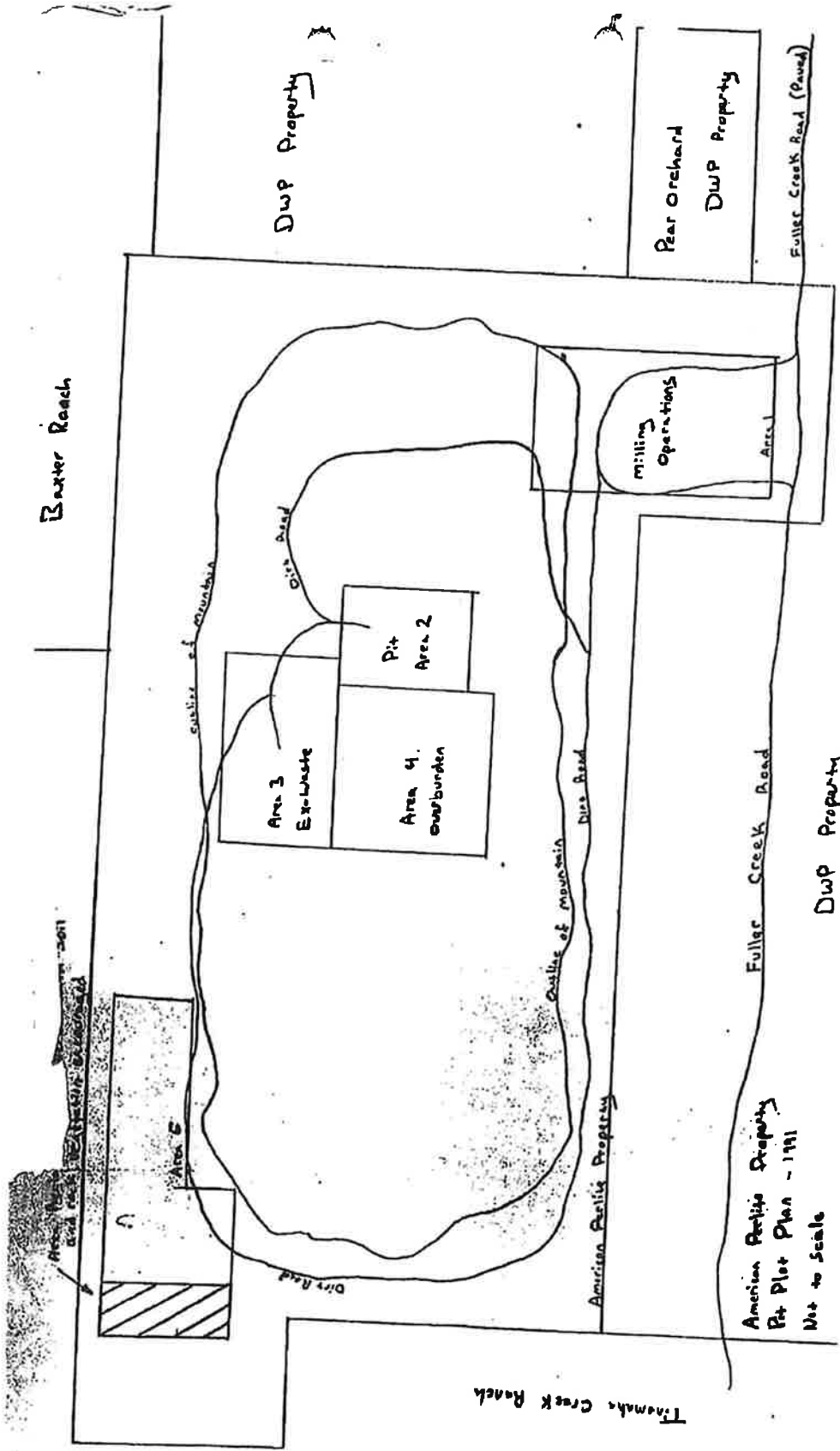
13. Inyo County shall reserve the right to periodically inspect the project site to monitor any or all actions in regards to the fulfillment of the provisions of this reclamation plan.

14. This Reclamation Plan shall be reviewed and the applicant's compliance with the conditions listed above shall be evaluated every three (3) years from the date of approval. The amount of the surety bond shall also be reviewed and adjusted as deemed appropriate.

15. The applicant shall notify the Inyo County Planning Department as to the proposed closing date of the mining operation.

Attachments: Vicinity Map  
Inyo County Public Works Cost Estimate

CEK/cek





7-8-50

RF # 90-2



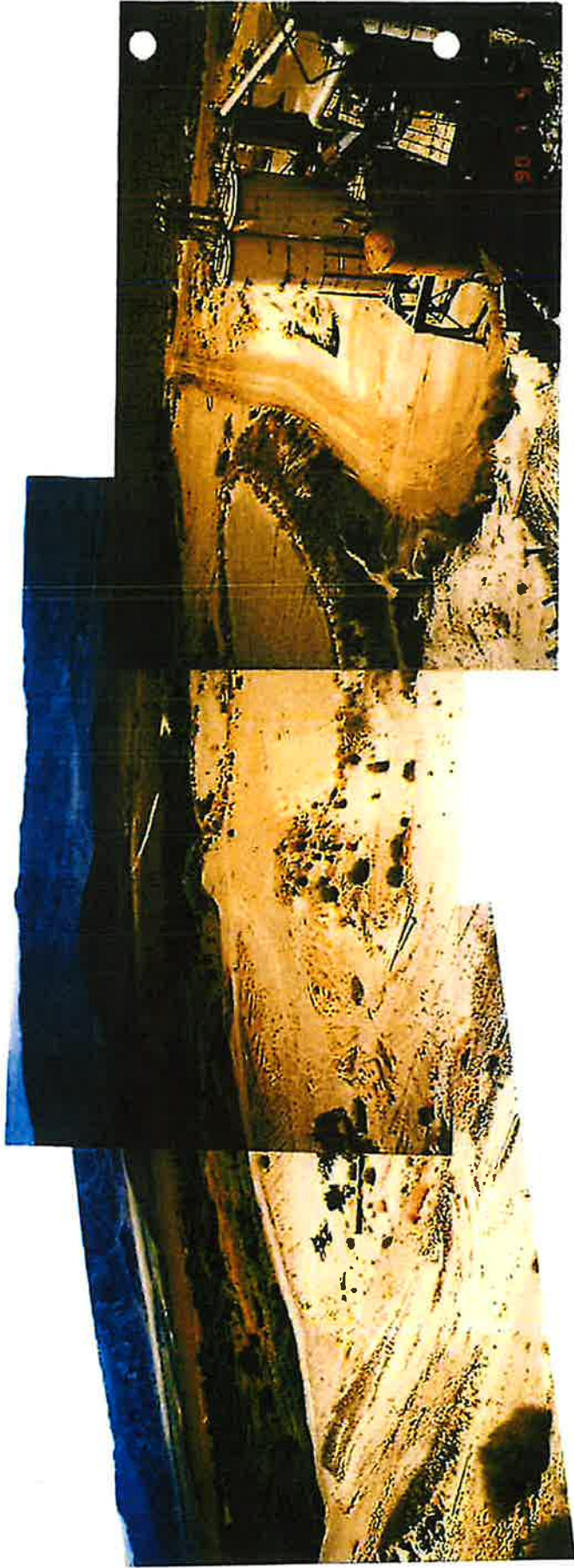
MAIN STOCKPILE (MINING) AREA  
LOOKING SOUTH



MAIN STOCKPILE AREA  
LOOKING WEST

RP # 90-2

7-5-90



LOOKING SOUTH - SOUTHEAST  
FROM THE CRUSHING HOPPER  
ABOVE THE MILL SITE



RP #90-2



LOOKING SOUTH - SOUTHEAST  
FROM THE CRUSHING HOPPER  
LOCATED ABOVE THE MILL SITE



RP# 90-2



7-5-90



BAXTER  
RANCH

SIDECASTING  
NORTH AREA  
OF MINE



7-5-90

RP #90-2

Attachment A



WASTE DUMP (1) NORTHWEST CORNER OF ORE  
Body

RP # 90-2

7-5-90

Attachment A



AREA OF DISTURBANCE EAST OF WASTE DUMP  
(THIS IS THE AREA WHERE TOPSOIL IS REMOVED  
TO MIX WITH MINE TAILINGS)



7-5-90

RP # 90-2

WASTE DUMP ←



→ MILL SITE

SIDECASTING & OVERBURDEN LOCATED AT SOUTHERN PORTION OF ORE BODY.

NOTE - NATURAL REVEGETATION ON OVERBURDEN SLOPE.

RP #90.2

7-5-90

MILL SITE



LOOKING NORTH EAST FROM DIVERSION  
ACCESS ROAD

7-5-90

RP#90-2

MILL SITE

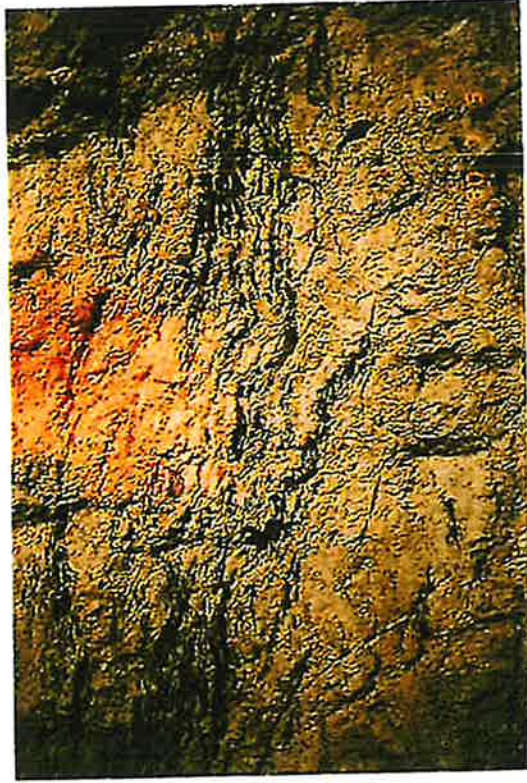


LOOKING NORTH FROM FULLER ROAD

RP# 90-2

7-5-90

ORE STRATA



NOTE: LAYERS OF OBSIDIAN, PUMICE, AND RHYOLITE  
MIXED IN WITH TEALLITE ORE

Attachment A

7-5-90

RP #90-2



LOOKING WEST AT MINE SITE  
(PHOTO TAKEN FROM WESTERN EDGE OF  
TINNIEMAHIA CREEK CAMPGROUND)





## PLANNING COMMISSION

DRAWER L • INDEPENDENCE • CALIFORNIA 93626

(619) 878-2411 (Ext 2263)

County of  
**INYO**

September 28, 1990

Mr. Lawry Clarke  
Vice President, Sales  
American Perlite Company  
11831 Vose Street  
North Hollywood, Ca. 91605

RE: RECLAMATION PLAN #90-2/American Perlite

### NOTICE OF DECISION

On September 26, 1990 the Inyo County Planning Commission held a public hearing to consider your Reclamation Plan application (RP #90-2). The Commission approved the Reclamation Plan subject to the conditions listed below as required by the Surface Mining and Reclamation Act of 1975.

#### CONDITIONS:

1. Any expansion of the mining activity or surface disturbance beyond that depicted on the aerial photograph submitted with Reclamation Plan #90-2 shall require the submission of an amended reclamation plan including a conditional use permit application, to be approved by Inyo County. Lowering of the existing mined surface shall not be considered as an expansion.
2. No sidcasting of waste, overburden, pumice, rhyolite or perlite shall be permitted during any mining or reclamation phase.
3. All stockpiles of ore, overburden and waste materials shall be leveled and graded to conform with the existing terrain within six (6) months of closure.
4. Surface disturbances (hills, hummocks, ridges, depressions, pits, etc.) shall be leveled, filled and graded to blend with the terrain. Special care shall be given to the drainage patterns within the disturbed areas in order not to promote accelerated soil erosion. Said grading shall be completed within six (6) months of closure.
5. All access roads, haul roads and areas of compacted soils shall be ripped and scarified within six (6) months of closure.

6. All mining equipment, mill equipment, vehicles, structures, loading chutes and debris shall be removed from the site within six (6) months of closure.

7. All concrete pads and foundations shall either be removed or buried with a minimum of two (2) feet of soil within six (6) months of closure.

8. The final contoured area of surface disturbance which is to be revegetated shall consist of 5.4 acres as shown on the Exhibit Map. The area shall be prepared and hydroseeded with a native specie mix that has been approved by a qualified biologist within six (6) months of closure.

9. A surety bond in the amount of \$129,000.00 shall be posted in favor of Inyo County in order to insure that the project site shall be reclaimed in accordance with the conditions of the reclamation plan within three (3) months from approval of this plan.

10. The applicant shall submit a notarized statement to the Planning Department accepting responsibility for reclaiming the lands as per the conditions specified herein within three (3) months from the date of approval of this plan.

11. Inyo County shall reserve the right to periodically inspect the project site to monitor any or all actions in regards to the fulfillment of the provisions of this reclamation plan.

12. This Reclamation Plan shall be reviewed and the applicant's compliance with the conditions listed above shall be evaluated every three (3) years from the date of approval. The amount of the surety bond shall also be reviewed and adjusted as deemed appropriate.

13. The applicant shall notify the Inyo County Planning Department as to the proposed closing date of the mining operation.

In regards to Condition #8, enclosed is a map depicting the subject 5.4 acres.

In reference to Condition #9, which requires a surety bond in the amount of \$129,000.00 we have enclosed a standardized form which should be completed, notarized and returned to this office for acceptance. The second page of the attached lists the eight (8) reclamation conditions for which the bond is to cover.


In regard to Condition #10, which requires a notarized statement to be submitted by the applicant to the Planning Department accepting responsibility for reclaiming the mine site, we have enclosed a statement we wish to have signed and notarized by the applicant.

Failure to comply with the conditions stated above will result in the current use being in violation of State of California Surface Mining and Reclamation Act of 1975 and Title 18 of the Inyo County Code.

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

Sincerely,

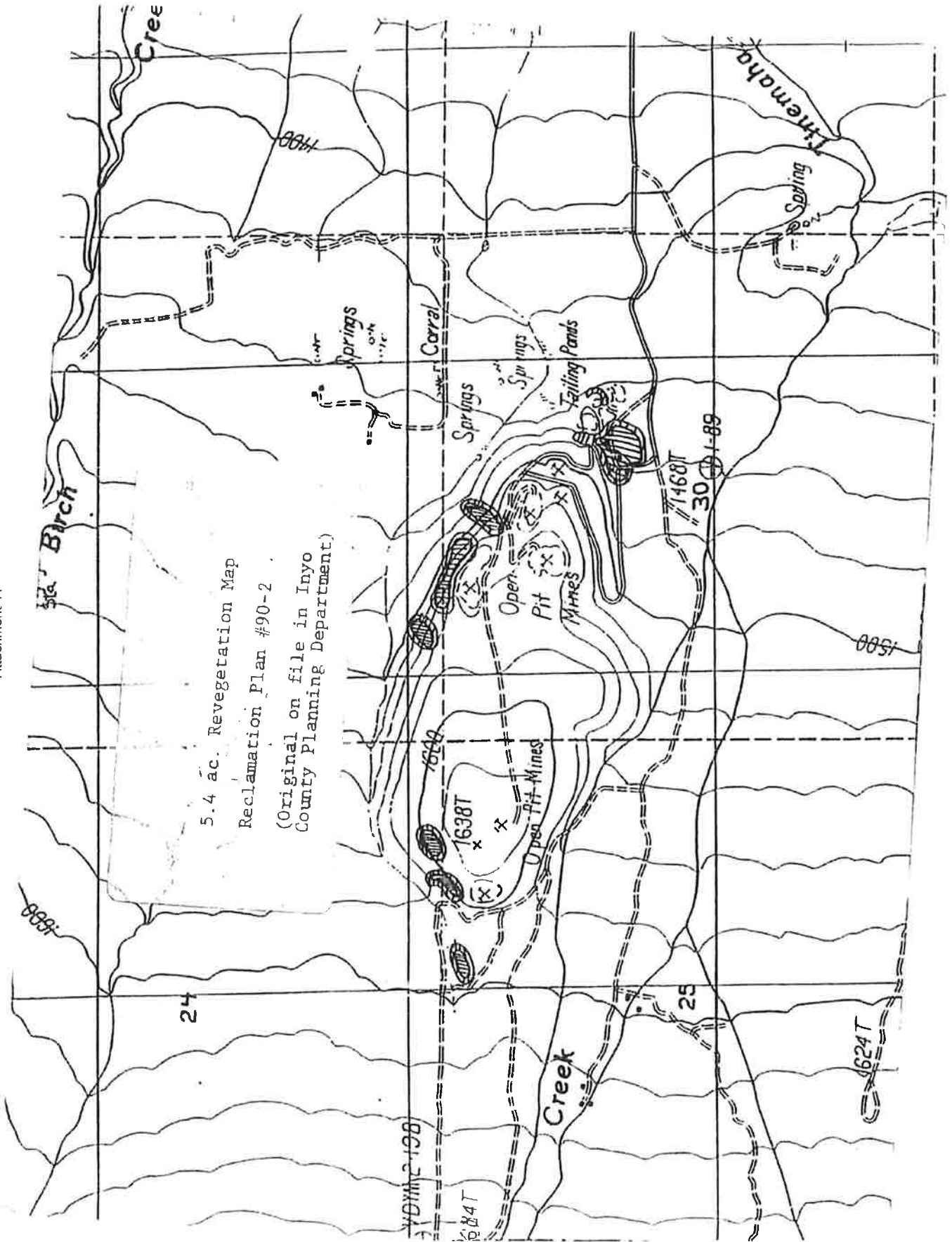
ROGER DeHART  
Planning Director



Curtis E. Kellogg  
Associate Planner

Attachments:           5.4 acre revegetation map  
                              Reclamation Statement  
                              Reclamation Bond Form

CEK/cek



5.4 ac. Revegetation Map  
Reclamation Plan #90-2  
(Original on file in Inyo  
County Planning Department)

AMERICAN PERLITE  
RECLAMATION PLAN

#882 Revised

- #2 LADWP no longer owns any land on this mining facility. American Perlite Co. purchased by Trade the land from LADWP back in 1987.
- #4 American Perlite Co. does not lease any land from LADWP.
- #8 Aerial photo, site plan and topographical map enclosed for review.
- #10 The county road, see site plan, is Fuller Creek Road. This road is a paved blacktop maintained by the County. The other unimproved dirt roads are used by miscellaneous groups for backpacking into Sierras. One is used by the Bureau of Land Management and Forestry Department and the other is used by LADWP. These unimproved roads are nothing more than cattle trails and are not part of American Perlite Co.
- #11 To my knowledge there hasn't been any formal geologic reports done on the site. Please see Topographical map for height, width and length of facility. The formation is a large deposit of perlite mineral with a composition of obsidian, pumice and rhyolite. The pumice and obsidian ore in very small quantities scattered throughout formation. The rhyolite is a thin shell covering the entire deposit with four (4) to five (5) feet of native soil overburden consisting of dirt, decomposed perlite and obsidian.
- #12 The wildlife in the area consists of coyote, rabbit, deer elk, ground squirrels, chipmunks, doves and raccoons. The vegetation at this facility is Rice Grass (EREGONUM INFLATUM) Buckwheat (ORYZOPSIS LYMENOIDES), Sierra Thistle (CIRSIIUM CALIFORNICUM), Rabbit Brush (CHRYSOTHAMUS NAUSEOSUS), Squaw Tea (EPHEDRA VIEDIS), Bitter Brush (PURSHIA TRIDENTATA), and Sagebrush (AREMESIA TRIDENTATA SPRIES).

The site plan and topographical map shows the elevations, drainage, slope and adjacent land uses and adjacent water-courses with existing structures. Groundwater elevation approximately 4500 feet.

Adjacent land uses and property ownerships: The Billy Wakie Ranch just east of facility is used for vacation, rest and relaxation. North of facility is the The Baxter Ranch. This ranch raises a small amount of cattle and bees. The rest of the surrounding area is owned by LADWP and Bureau of Land Management and City of Los Angeles.

- #15 Mining Operations is on hilltop. All product is removed by means of a shovel and scraping method. No drilling or blasting is done. Definitely on-site processing and there is a waste dump.
- #16 The ore is crushed in an electric driven jaw-crusher and then fed through rod deck screens to drier. Product is then dried in a tumble drier using #1 fuel oil at an operating temperature of 1100°F at burner. Product is then conveyed over vibrating screens whereby the ore is separated to sizes and conveyed to storage silos.

The finished ore is shipped by truck to the processing plants in the states of California, Oregon, Nevada and Utah. This operation generates approximately 500 tons of tailings per month of which some is sold.

The tailing pit located at north east corner of property is a natural ravine which is approximately 50 feet deep by 1400 feet. The tailings are covered with native soil once every 24 hours. Native vegetation must be planted or blown in by nature. The native soil is obtained from the overburden removed from the pit area.

- #17 Water is conveyed from Tinnemaha Creek by plastic water pipe through a LADWP water meter using a standard water pump. Water is no longer used in the crushing process. It's only function is to keep the dust down in the mining areas via a water truck.
- #18 Detailed site plan submitted. There are no water wells on property. Site plan covers remaining questions.
- #19 19a) First American Perlite Company is instituting an ongoing reclamation plan. Their plan is to clean up all metal and waste debris and remove from site. All scarred areas not in use will be covered with overburden and planted with seed over a period of time.

If American Perlite Company were to shut down today, the entire mill shall be sold and removed. All roads shall be ripped and planted. All pits shall be filled in and contours of the land shall be adjusted. Area then planted. All signs of mining operation shall be removed. Drainage channels shall be engineered to connect back to existing creeks. If the mining operation exhausts the ore in the far distant future we are suggesting that the creek be diverted into the extremely large pit area to form a reservoir. Once filled, the water can be directed back to the creek.

19b) Any slopes that need to be benched or sloped for safety reasons shall be done to the natural contours of the land.

19e As stated, all evidence of mining operation equipment shall be sold and removed or just removed if not sellable.

19: Replanting of non use scarred surface allready in process.

21. I hereby certify that the above additional information is correct to the best of my knowledge.

Signed Jerry D. Clark Date June 1976, 1970

## **Attachment C**

**Email Correspondence Regarding  
mobile placement**

**Current Photo with mobile on site**

**Information taken off HCD TAG**



**From:** [Ryan Smith-Standridge](#)  
**To:** [Mark Sargent](#)  
**Cc:** [Justin Clarke](#); [Curtis Boissonou](#); [Jerrv Oser](#); [Tyson Sparrow](#); [James Feaney](#)  
**Subject:** RE: American Perlite Corp  
**Date:** Wednesday, March 1, 2023 9:15:00 AM

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Mark,

It was good to catch up the other day. Thank you for reaching out, so we don't have the communication problems we had previously. The Poly tanks and non-potable water will require you to work with Environmental Health. A building permit is required for anything over 120 square feet or any building with plumbing or electrical. Separate permits are required from Building & Safety and Environmental Health, but they rely on each other to get processed. I will provide you some information below to get you started, but code changes frequently, so you will need to Contact each department Tyson at 760-873-7857 or [tsparrow@inyocounty.us](mailto:tsparrow@inyocounty.us) The Website to download the application is <https://www.inyocounty.us/sites/default/files/2019-07/County%20Building%20Permit%20App.pdf>

When I was in Building & Safety years ago, companies selling modular or mobile offices would have a booklet with most of the information needed to process a building permit, but I am sure that has changed too. Here is what I remember is required with a submittal, but again you **must** check with the building department to ensure I have everything.

Site plan

Foundation plan - Is it piers? or is it a Cement Foundation

Floor plan

Electrical plan

Plumbing schematic

HV AC schematic /Energy calculations (heat loss/cooling load)

Elevations (front, rear, and side views) Cross-section

Roof plans - The Snowload and Ground load is site specific

Details of critical connections. - sewer, septic, electrical, etc.

Jerry Oser 760-873-7866 or [joser@inyocounty.us](mailto:joser@inyocounty.us)

Here is the link to Environmental Health to download their application.

<https://www.inyocounty.us/services/environmental-health>

Mark, I have included all involved departments in this email so everyone knows about your project and we can all be on the same page.

**From:** Mark Sargent [<mailto:sargent823@yahoo.com>]  
**Sent:** Monday, February 27, 2023 1:30 PM  
**To:** Ryan Smith-Standridge  
**Cc:** Justin Clarke; Curtis Boissonou  
**Subject:** American Perlite Corp

**CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.**

Hi Ryan, per our conversation this morning, we are wanting to put a portable office on site along with 2 polly tanks , 1 for non potable water and another for waste from the

**toilet in the office, what will we need in order to set this up ?**

**Thank You**

**Mark Sargent  
D Bar S Transportation Inc / CEO  
American Perlite  
Operations / Transportation Manager  
Office 760-938-2022  
Cell 760-920-6535**

Attachment A

**From:** [ryan Smith](#)  
**To:** [Ryan Smith-Standridge](#)  
**Subject:** Perlite  
**Date:** Friday, January 5, 2024 4:22:21 PM

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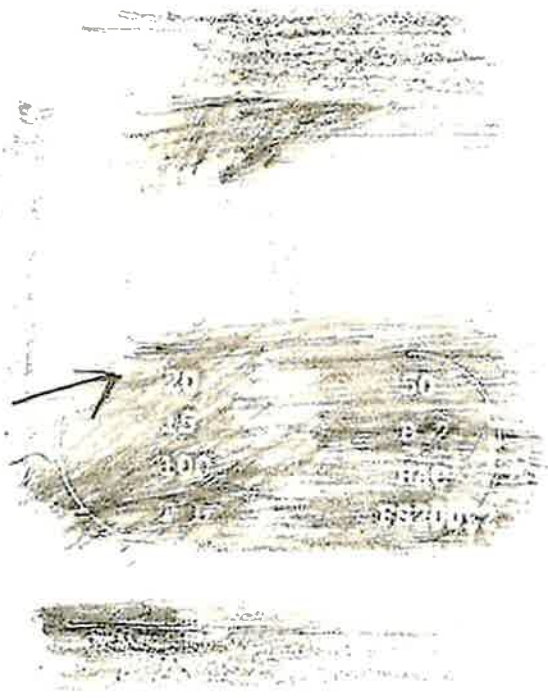


[Sent from Yahoo Mail on Android](#)

Attachment A



Roof  
Load



Roof Load 20 PSF  
WIND Load 15 PSF  
Electrical 100  
Plumbing TL  
Floor Live Load 50 PSF  
Occupancy ~~B-1~~ B-2  
Mechanical HAC  
Fire Safety FS 20052  
or E2

Serial #  
127147 S 4381



# Attachment D

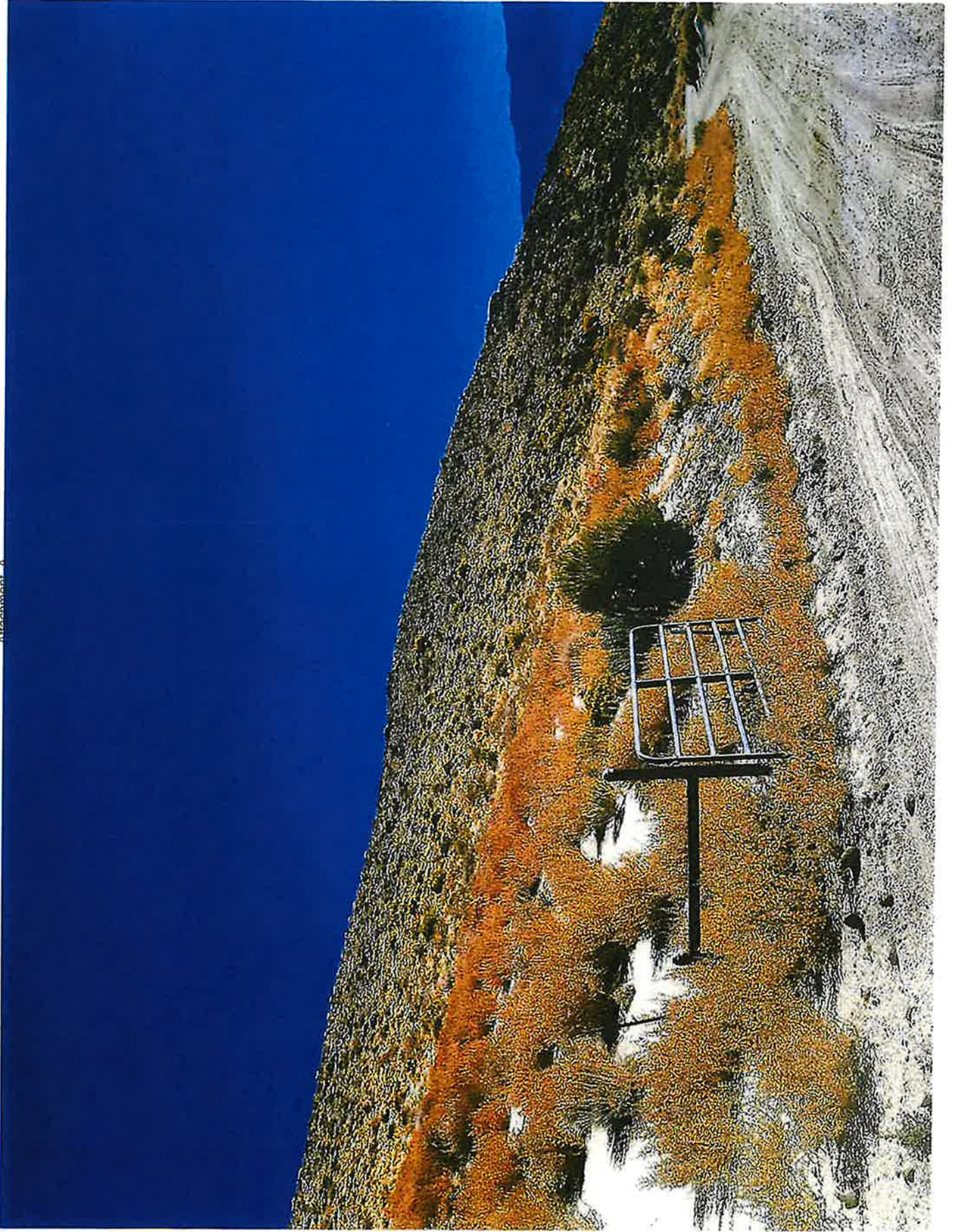
## Fence Photos





Mitchemeyr











**Planning Department**  
**168 North Edwards Street**  
**Post Office Drawer L**  
**Independence, California 93526**

Phone: (760) 878-0263  
FAX: (760) 872-2712  
E-Mail: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)

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March 4, 2024

American Perlite  
Justin Clarke  
2605 Goodrick Ave  
Richmond, CA 94801

[Justin@NorCalperlite.com](mailto:Justin@NorCalperlite.com)

VIA EMAIL

Re: Incomplete Application for Amendment to Reclamation Plan 1990-02 and a Conditional Use Permit

Dear Mr. Clarke,

I hope this message finds you well. The Inyo County Planning Department acknowledges the receipt of your email submission regarding the application for the Amendment to Reclamation Plan 1990-02 and the Conditional Use Permit for your mining operation. Upon initial review, it has been determined that your application is currently incomplete. We have identified several key items that need to be addressed for the completion of your application. Please find the list of outstanding requirements below:

1. **Initial Deposit Payment:** Please submit the initial deposit payment of \$5,420.
2. **Lot Line Adjustment Application:** Given the presence of mining activity across three separate parcels, a lot line adjustment application is required. The attached application requirements must be fulfilled.
3. **Original Applications with Wet Signatures:** Ensure that all original applications bear wet signatures.
4. **Corrected Statement of Responsibility Form:** The Statement of Responsibility incorrectly designates you as the site contact. As per the January 30, 2024, inspection, Austin Giguere is identified as the site contact. Kindly correct this information, and the Statement of Responsibility must be notarized.
5. **Provide Current Recorded Deed or Preliminary Title Report for all Parcels:** Submit the current recorded deed or preliminary title report for each parcel, even if it involves a name change only.
6. **CEQA Studies:** Conduct studies assessing cumulative impacts of the mine across various categories, including aesthetic and biological resources, geology/soils, hydrology/water quality, noise, recreation, utility/service systems, agricultural and forestry, cultural resources, greenhouse gas emissions, transportation, wildfire, air quality, hazards and hazardous materials, mineral resources, and tribal cultural resources.

7. **Revised Maps:** The submitted map is deemed insufficient. Please provide separate mining plan and reclamation plan maps, both prepared and stamped by a licensed surveyor. Refer to the attached checklists for map requirements.
8. **Reclamation Plan Content Checklist:** Complete and submit the attached Reclamation Plan Content checklist.
9. **Surface Mining Text Operating Outline:** Provide a detailed surface Mining Text operating outline.

Please note that the Environmental Health and Department of Conservation are actively involved in the review process and may request additional information. Additionally, the Planning Department may seek further details for the CEQA review.

If you have any inquiries or require clarification on any of the mentioned points, feel free to contact me at [rstandridge@inyocounty.us](mailto:rstandridge@inyocounty.us) or (760) 878-0405.

Thank you for your attention to these matters.

Sincerely,



Ryan Standridge  
Associate Planner, Inyo County



**Planning Department  
168 North Edwards Street  
Post Office Drawer L  
Independence, California 93526**

**Phone: (760) 878-0263  
FAX: (760) 872-2712  
E-Mail: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)**

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**HOW TO SUBMIT A LOT LINE ADJUSTMENT/PARCEL MERGER APPLICATION**  
**(Four or Fewer Parcels)**

**1. PREFACE:** A Lot Line Adjustment/Parcel Merger is applied for when a property owner wishes to change the property lines of existing parcels. The process can be used to do a number of things, such as: combine up to four adjacent parcels into one parcel, alter the boundary between up to four parcels, or reconfigure the shapes of up to four parcels.

**2. CONSULTATION:** To avoid unnecessary expense and delay consult with the Inyo County Planning Department for a preliminary review and discussion of your proposal in order to answer any questions regarding the application and processing procedures.

**3. PLANNING DEPARTMENT MAIN APPLICATION:** The Main Application Form must be completed in its entirety with the Lot Line Adjustment/Parcel Merger box checked and must be signed by the authorized property owner(s) of each property as listed on a title report. The Processing Fee Agreement Form must also be filled out in its entirety and accompany the Main Application Form.

**4. ENVIRONMENTAL INFORMATION FORM:** This form is included in the Main Application Package. The information requested by this form assists the County in preparing the appropriate environmental documentation as required by the California Environmental Quality Act (CEQA).

**5. APPLICATION SUBMISSION:** Submission of the following normally constitutes a complete application (please see corresponding description below):

- A. Planning Department Permit Application
- B. Fee Agreement
- C. Lot Line Adjustment/Parcel Merger Exhibits:
  - Exhibit Map (Exhibit A)
  - Legal Description (Exhibit B)
  - Notarized Owner's Certificate (Exhibit C)
- D. Site Plan
- E. Deed(s)
- F. Title Report, prepared by a title company within 30-days of submission of the application
- G. Original Legal Description

The Application Exhibit Map must include all elements as set forth in the Inyo County Subdivision Ordinance 16.52.020, as follows:

16.52.020 Matters required.

A. Application for approval of a lot line adjustment under this section shall be made to the planning department and shall include an eight and one-half inch by eleven inch plat showing the proposed adjustment, any required fee, and such other information as the director may require.

B. The eight and one-half inch by eleven inch plat showing the proposed adjustment shall include the following information:

1. Location of all structures, wells, septic systems, access roads and any existing easements and their use;
2. Before and after acreages;
3. Identification of the location of existing property lines to be removed and property lines to be added.

C. The owners of all parcels affected by the lot line adjustment shall sign the application.

D. A title report no older than thirty days shall be submitted for all lots/parcels involved in the application.

**6. LOT LINE ADJUSTMENT/PARCEL MERGER "EXHIBIT" MAP:** California licensed surveyors or California registered civil engineers qualified to prepare surveys must prepare Lot Line Adjustment/Parcel Merger Exhibit Maps. The surveyor/engineer shall obtain a Lot Line Adjustment or a Parcel Merger number from the Inyo County Planning Department before submission. Refer to Inyo County Code Chapter 16.52.030 for specifications for preparing the "Exhibit" Map.

**7. DEEDS:** Provide existing deeds and prepare new deed(s), for all properties affected, modifying the legal description to reflect the proposed Lot Line Adjustment/Parcel Merger. Legal descriptions of the modified property boundaries after the proposed Lot Line Adjustment/Parcel Merger must be prepared by a California licensed surveyor or California registered civil engineer qualified to prepare surveys. Refer to Inyo County Code Section 16.52.050 for requirements for the deed. Any deed filed for record shall contain the words "for purposes of lot line adjustment" in bold letters at least one-fourth inch high at the top center of each page and shall contain in the text the following language:

**This deed is for the purpose of adjusting property lines only and does not convey a separate parcel.**

**8. NOTARIZED OWNER'S CERTIFICATE:** Complete the attached Owner's Certificate for Lot Line Adjustment/Parcel Merger and have notarized by an Authorized Notary Public.

**9. TITLE REPORT:** For each property obtain a copy of a title report prepared by a title company within 30-days of submission of the application. Refer to Inyo County Code Section 16.52.020 D for requirements for the Title Report.

**10. PROOF OF CURRENT PROPERTY TAX STATUS AND SPECIAL PROPERTY ASSESSMENTS:** Provide proof that all property tax payments are up-to-date and special property assessments have been paid off or segregated.

**11. DECISION:** The application will be reviewed, and additional clarifying information may be requested. After the application is deemed complete, a decision will be rendered. If the application is approved, the deed(s), legal description, and Exhibit Map will be recorded, and the Planning Director will issue a Notice of Approval. If the Lot Line Adjustment/Parcel Merger application is approved, recording fees may be requested payable directly to the Inyo County Recorder. These documents will be routed accordingly, including to the Inyo County Assessor.

**EXHIBIT "C"**  
**OWNER'S CERTIFICATE FOR LOT LINE ADJUSTMENT**

I (we) hereby certify that I (we) are the owner(s) of, or have some right, title, or interest in and to the real property included within the adjusted boundaries for Lot Line Adjustment No. \_\_\_\_\_ and as described in Exhibit A and Exhibit B. Said property(ies) are currently described as Assessor's Parcel No(s). \_\_\_\_\_. (I) (we) (am) (are) the only person(s) whose consent is necessary to pass a clear title to said property, and I (we) consent to the recordation of documents and accompanying information necessary to approve our application. Furthermore, I (we), the undersigned, hereby request that the County Assessor amend the Plat map for the subject Assessor's Parcel Number(s), as necessary to prevent an increase in the number of Assessor's parcels in conformance with the Lot Line Adjustment.

Owner(s) of Record: \_\_\_\_\_  
Name of Person, Trust, Co., Inc., LLC, etc.

By: \_\_\_\_\_  
Signature(s) of owner, agent or trustee

By: \_\_\_\_\_  
Signature(s) of owner, agent or trustee

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ Notary Public, personally appeared \_\_\_\_\_

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)



**Inyo County Planning Department**  
 168 North Edwards Street  
 Post Office Drawer L  
 Independence, California 93526

Phone: (760) 878-0263  
 FAX: (760) 872-2712  
 E-Mail: inyoPlanning@  
 inyocounty.us

**Planning Department Permit Application**

Date: _____	(Staff Use) Project #: _____
-------------	------------------------------

<b>Applicant</b> Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Alternate Phone: _____
c-mail: _____

<b>Property Owner</b> Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Alternate Phone: _____
e-mail: _____

<b>Property Information</b> Assessor's Parcel Number(s): _____
Address: _____
Latitude: _____ Longitude: _____
Section(s): _____ Township(s): _____ Range(s): _____
Zoning: _____ General Plan Designation: _____

<b>Project Type</b> (Check all that apply)		
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Tentative Tract Map	<input type="checkbox"/> Mining Reclamation Plan
<input type="checkbox"/> Variance	<input type="checkbox"/> Tentative Parcel Map	<input type="checkbox"/> Road Abandonment
<input type="checkbox"/> Zone Reclassification	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Design Review Committee
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Parcel Merger	<input type="checkbox"/> Time Extension
<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> Telecom Plan or Amendment
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Hosted Short-Term Rental	<input type="checkbox"/> Mobile Home Waiver
<input type="checkbox"/> Renewable Energy Permit	<input type="checkbox"/> MWELo - Landscape Plans	
<input type="checkbox"/> Renewable Energy Determination **	<input type="checkbox"/> Other _____	

**\*\* Developers must notify local residence and/or landowners by direct mailing or other appropriate means announcing projects at the time an application is submitted**



**Planning Department Permit Application**

Applicant Name: \_\_\_\_\_

**Project Description** Describe in detail Project Proposal(s). Be as specific as possible. Attach additional sheets as necessary.

**Project Goals** Describe the goals and project benefits (i.e./ jobs, housing, services created and revenues generated for the community, etc.) Attach additional sheets as necessary.

Applicant Name: \_\_\_\_\_

**Submission Requirements**

Submittal guidance documents are available on our website for most types of Inyo County Planning permits. Common requirements include but are not limited to this application including the initial deposit, a site plan, and proof of ownership. Projects that have potential impacts to the environment require review under the California Environmental Quality Act (CEQA), and are likely to require additional information from the applicant and/or professionally prepared resource reports.

**Property Owner Consent**

I certify that I am the owner of the property at the project site, or am the trustee for a trust that owns the property, or an authorized officer for a legal entity that owns the property and that I consent to the submission of this application.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Signature\*: \_\_\_\_\_

**Applicant Certification**

I hereby attest that the information contained in this application and any attachments is correct to the best of my knowledge.

*Note that if the applicant is other than the property owner, the applicant must be named as an Authorized Agent on the Consent of Property Owner and Designation of Authorized Agent form that is included with the Inyo County Planning Department Permit Application.*

Name: \_\_\_\_\_ License # \_\_\_\_\_

Company: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Signature\*: \_\_\_\_\_

\* By signing this application the applicant/property owner agrees to defend, indemnify, and hold the County harmless from any claim, action, or proceeding arising from this application or brought to attack, set aside, void or annul the County's approval of this application, and any environmental review associated with the proposed project.

**General Information**

Applicant Name: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

APN: \_\_\_\_\_

**Project Description**

Property Size: \_\_\_\_\_

Existing Buildings & Structures:  
(including Square Footage & number of Floors) \_\_\_\_\_

Proposed Buildings & Structures:  
(including Square Footage & number of Floors) \_\_\_\_\_

Existing Yard Setbacks:  
(Front, Side, and Rear) \_\_\_\_\_

Distance between Structures: \_\_\_\_\_

Parking: \_\_\_\_\_

Project Schedule: \_\_\_\_\_

Project Phasing: \_\_\_\_\_

Landscape:  
(Total Square Footage) \_\_\_\_\_

Provide a detailed description of the project (attach additional sheets as necessary):

- For Residential Projects, Describe, including number of units, size of units, anticipated sale prices or rental rates, type of household size anticipated and landscape square footage.
- For Commercial Projects, Describe, including type of operation, square footage of sales area, loading facilities and landscape square footage.
- For Industrial Projects, Describe, including type of operation, estimated employment per shift and number of shifts, loading facilities, truck traffic, and hazardous materials used onsite.
- For Institutional Projects, Describe, including services provided, estimated employment per shift, estimated occupancy and community benefits of project.

**Applicant Name:** \_\_\_\_\_

**Project Checklist**

	<b>Yes</b>	<b>No</b>
1. Change in existing features of any bays, tidelands, beaches, or hills or substantial alteration of ground contours.	<input type="checkbox"/>	<input type="checkbox"/>
2. Change in scenic views, or vistas from existing residential areas, public lands or roads.	<input type="checkbox"/>	<input type="checkbox"/>
3. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input type="checkbox"/>
4. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input type="checkbox"/>
5. Change in dust, ash, smoke, fumes or odors in vicinity	<input type="checkbox"/>	<input type="checkbox"/>
6. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration	<input type="checkbox"/>	<input type="checkbox"/>
7. Of existing drainage patterns	<input type="checkbox"/>	<input type="checkbox"/>
8. Substantial change in existing noise or vibration levels in the vicinity	<input type="checkbox"/>	<input type="checkbox"/>
9. Site on filled land or on slope of 10 percent or more	<input type="checkbox"/>	<input type="checkbox"/>
10. Use of disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.	<input type="checkbox"/>	<input type="checkbox"/>
11. Substantial change in demand for municipal services (police, fire, water, scwage, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
12. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
13. Known threatened or endangered species (animal or plant) on or near site.	<input type="checkbox"/>	<input type="checkbox"/>
14. Known historical, archaeological, or cultural resource on or near site.	<input type="checkbox"/>	<input type="checkbox"/>
15. Project is related to a larger project or a series of projects.	<input type="checkbox"/>	<input type="checkbox"/>

For all items checked **Yes**, please include a written discussion/explanation below (attach additional sheets as necessary).

Applicant Name: \_\_\_\_\_

**Environmental Setting**

Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site, as needed. Attach additional sheets as necessary.

Describe the surrounding properties, including information on plant and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback rear yard, etc.). Attach photographs of the vicinity, as needed. Attach additional sheets as necessary.

**Certification**

I hereby attest that the information contained in this Environmental Information Worksheet and any attachments is correct to the best of my knowledge.

*Note that if the signatory of this worksheet is other than the property owner, the signatory must be named as an Authorized Agent on the Consent of Property Owner and Designation of Authorized Agent form that is included with the Inyo County Planning Department Permit Application.*

Name: \_\_\_\_\_ License # \_\_\_\_\_

Company: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Signature: \_\_\_\_\_



**Inyo County Planning Department**  
 168 North Edwards Street  
 Post Office Drawer L  
 Independence, California 93526

Phone: (760) 878-0263  
 FAX: (760) 872-2712  
 E-Mail: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)

**Consent of Property Owner and Designation of Authorized Agent**

Date: _____	(Staff Use) Project #: _____
-------------	------------------------------

<b>General Information</b>	
Property Owner Name: _____	
Applicant/Authorized Agent Name: _____	
Project Address: _____	
APN: _____	Permit Type: _____

<b>Consent</b>	<p>I (we) the undersigned owner of record of the fee interest in the parcel of land identified by the address and Assessor Parcel Number(s) noted above, for which a land use permit, land division, general plan or ordinance amendment, or LAFCO application referral is being filed with the Inyo County Planning Department requesting an approval for the permit type listed above, do hereby certify that:</p> <ol style="list-style-type: none"> <li>Such Application may be filed and processed with my (our) full consent.</li> <li>I (we) hereby grant consent to Inyo County, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the County, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their agents or employees if the other governmental entities are providing review, inspections and surveys to assist the County in processing this application. This consent will expire upon completion of the project.</li> <li>If prior notice is required for entry to survey or inspect the property, please contact:                  Name: _____                  Address: _____                  Telephone #: _____ e-mail: _____</li> <li>I (we) hereby give notice of the following concealed or unconcealed dangcrous conditions on the property:</li> </ol>
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<b>Authorization</b>	<p>I (we) the undersigned owner of record of the fee interest in the parcel of land located at the address noted above and identified by the Assessor Parcel Number(s) noted above have authorized the person noted above as "Applicant/Authorized Agent" to act as my (our) agent in all contacts with Inyo County and to sign for all necessary permits in connection with this matter. <i>If the Applicant/Authorized Agent field above and the signature below are left blank it is assumed that the Property Owner will be acting as his own Agent, and no one will be acting on his behalf.</i></p>
----------------------	---

<b>Signatures</b>			
_____	_____	_____	_____
Signature of Property Owner	Date	Signature of Authorized Agent	Date



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Notification of Proximate Property Owners

Applicant Name: \_\_\_\_\_

Date: \_\_\_\_\_ (Staff Use) Project #: \_\_\_\_\_

The following applications require the provision of public hearing notices to surrounding property owners within 300 feet of the boundary of the project property. Please check all that apply to this project.
[ ] Conditional Use Permit [ ] Tentative Tract Map [ ] Mining Reclamation Plan
[ ] Variance [ ] Tentative Parcel Map [ ] Road Abandonment
[ ] Zone Reclassification [ ] Certificate of Compliance [ ] Telecom Plan or Amendment
[ ] General Plan Amendment [ ] Specific Plan [ ] Renewable Energy Permit
[ ] Development Agreement [ ] Renewable Energy Determination [ ] Mobile Home Waiver
[ ] Hosted Short-Term Rental

The following applications require the provision of public hearing notices to surrounding property owners within 1,500 feet of the boundary of the project property. Please check if this applies to this project.
[ ] Commercial Cannabis Conditional Use Permit for cultivation, retail, distribution, testing, manufacturing or microbusiness.

A list of all applicable proximate property owners must be obtained from the latest Assessor's tax roll. Planning Department staff will act on your behalf to obtain the addresses and mail the appropriate notifications. Staff time and expenses (stamps, etc.) will be billed against your account.
[ ] Check this box if you would like to elect to obtain the addresses of all applicable proximate property owners. To obtain the appropriate list please contact the Inyo County Assessor's office, and pay their associated fees. Then provide the Planning Department with addressed and stamped envelopes and the following information to demonstrate that you have properly obtained the addresses:
• The County assessor map(s) or GIS maps covering your project site with the 300' or 1,500' surrounding area outlined, as obtained from the latest Assessor's tax roll.
• The list of Assessor Parcel Numbers, property owners, and addresses for all properties within 300' or 1,500', as applicable, as obtained from the latest Assessor's tax roll.
• Letter sized envelopes with first class postage affixed and addressed to each owner.
• This form signed and dated at the bottom.

I hereby certify that the attached information contains all of the assessor parcel numbers from the latest Assessor's tax roll under preparation of all the properties with the area described on the attached maps and within a distance of three hundred (300) feet or one thousand five hundred (1,500) feet, as applicable, from all exterior boundaries of the project property.
I certify under penalty of perjury that the foregoing is true and correct.
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_







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## Application Fee Deposits

Pre-application fees ( <i>fee to be credited to formal application if submitted within 6 months</i> ) .....	\$500
<b>Conditional Use Permit (<i>new or major amendment</i>) .....</b>	<b>\$1,490</b>
Minor Amendment to a Conditional Use Permit .....	\$745
Variance .....	\$1,500
Zone Reclassification .....	\$1,450
General Plan Amendment .....	\$1,525
Specific Plan .....	\$3,080
Hosted Short Term Rental .....	\$350
Lone Pine Architectural Review Board .....	\$200
Telecommunications Plan .....	\$2,460
Road Abandonment .....	\$1,450
Certificate of Compliance .....	\$1,000
<b>Lot Line Adjustment .....</b>	<b>\$900</b>
Parcel Merger .....	\$600
Parcel Map .....	\$1,800
Parcel Map with Rezoning .....	\$2,525
Tract Map .....	\$2,325
Tract Map with a rezoning .....	\$3,050
Reclamation Plan .....	\$3,030
<b>Reclamation Plan Amendment with Expansion .....</b>	<b>\$3,030</b>
Reclamation Plan Amendment without Expansion .....	\$1,515
Interim Management Plan for Mine .....	\$370
Mine Inspection Fee .....	\$450



## 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.



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

### 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).



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

### 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.
  - 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.
- 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" = 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.
- 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/o 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.





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

## 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



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

- 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.





# Reclamation Plan Content Checklist

This checklist may assist operators and lead agencies when preparing and reviewing draft proposed reclamation plans and reclamation plan amendments in determining if they meet the minimum content requirements of the Surface Mining and Reclamation Act of 1975 (SMARA) and associated regulations (see box below for sections relevant to reclamation plans).

The Division of Mine Reclamation (DMR) reviews reclamation plans for compliance and completeness pursuant to Public Resources Code (PRC) Section 2772.1(b)(1). When submitting a reclamation plan to DMR, the lead agency must certify that the reclamation plan is a complete submission and is in compliance with SMARA and associated regulations and the lead agency's mining ordinance pursuant to PRC 2772.1(a)(3) (A-E). Additionally, pursuant to PRC 2772.1(a)(2), information prepared as part of a permit application or environmental document (pursuant to CEQA) shall be incorporated into the reclamation plan if it is used to satisfy the requirements of SMARA and associated regulations. These items shall be properly indexed in a Required Contents Chart and included in an appendix to the reclamation plan.

<p><b>Surface Mining and Reclamation Act of 1975</b>  <b>Public Resources Code (PRC)</b>          Division 2. Geology, Mines and Mining          Chapter 9. Surface Mining and Reclamation Act of 1975          Section 2710 et seq.</p> <p><i>This portion includes requirements for reclamation plans.</i></p>
<p><b>Associated Regulations</b>  <b>California Code of Regulations (CCR)</b>          Title 14. Natural Resources          Division 2. Department of Conservation          Chapter 8. Mining and Geology          Subchapter 1. State Mining and Geology Board</p> <p><b>Article 1. Surface Mining and Reclamation Practice. Commencing with Section 3500</b>  <i>This portion includes minimum acceptable mining and reclamation practices for surface mining operations.</i></p> <p><b>Article 9. Reclamation Standards. Commencing with Section 3700</b>  <i>This portion includes performance standards, which may apply to surface mining operations pursuant to CCR Section 3700.</i></p>

The checklist is divided into seven topical areas: General Considerations, Geology and Geotechnical, Hydrology and Water Quality, Sensitive Species and Habitat, Topsoil, Revegetation, and Agriculture. To use the checklist, place a checkmark next to items that have been addressed by the reclamation plan or leave it blank if the reclamation plan is deficient. Alternatively, write N/A if the item is not applicable to the specific surface mining operation being reviewed.

**Disclaimer:** This checklist, prepared by DMR, paraphrases portions of SMARA and associated regulations that address the content of reclamation plans and plan amendments. Use of this checklist is not required and it is provided only as a helpful tool. DMR always recommends consulting the full text of SMARA and associated regulations, available at the link, below. Additionally, completion of this checklist does not guarantee completeness pursuant to PRC Section 2772.1(b)(1); analysis of completeness requires thorough review of each specific project.

<http://www.conservation.ca.gov/index/Pages/lawsregs.aspx>

Mine Name:	Checklist Completed by:
End Use:	Date:

## GENERAL CONSIDERATIONS

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2772(b)	Required contents chart: A chart identifying the location (e.g. page number, chapter, appendix, or other location in the reclamation plan) of content that meets the requirements of PRC Sections 2772, 2773, 2773.3 and CCR Articles 1 and 9 (as delineated in this checklist).	
PRC 2772(c)(1)	Contact information: Name and address of the surface mining operator and any person designated by the operator as an agent for service of process (must reside in CA).	
PRC 2772(c)(2)	Material quantity and type: The anticipated total quantity and type of minerals to be mined (see Annual Report Instructions, Exhibit B, for mineral types and units of measure).	
PRC 2772(c)(3)	Dates: The initiation and termination dates of mining (be as specific as possible, e.g. December 31, 2030).	
PRC 2772(c)(4)	Depth of mining: The maximum anticipated depth of surface mining in relation to a verifiable benchmark such as Mean Sea Level.	
PRC 2772(c)(5) (A-F)	Reclamation plan maps shall include: Size and legal description of lands affected by surface mining operations; Names and addresses of owners of all surface interests and mineral interests; Property lines, setbacks, and the reclamation plan boundary; Existing and final topography with contour lines at appropriate intervals; Detailed geologic description of the area of the surface mining operation; Locations of railroads, utility features, and roads (access roads, temporary roads to be reclaimed, and any roads remaining for the end use). All maps, diagrams, or calculations that are required to be prepared by a California-licensed professional shall include the preparer's name, license number, signature & seal.	
PRC 2772(c)(6)	Mining method and schedule: A description of the mining methods and a time schedule that provides for completion of mining on each segment so that reclamation can be concurrent or phased.	
PRC 2772(c)(7)	Subsequent use(s): A description of the proposed subsequent use(s) after reclamation Evidence that all landowners have been notified of the proposed use.	
PRC 2772(c)(9)	Impact on future mining: A statement regarding the impact of reclamation on future mining on the site.	
PRC 2772(c)(10)	Signed statement: Statement signed by the operator accepting responsibility for reclamation of the mined lands per the reclamation plan.	
PRC 2776(b-c)	Pre-SMARA areas: Reclamation plans shall apply to operations conducted after January 1, 1976 or to be conducted in the future. Mined lands disturbed prior to January 1, 1976 <i>and not disturbed after that date</i> may be excluded from the reclamation plan.	
CCR 3502(b)(2)	Public health and safety: A description of how any potential public health and safety concerns that may arise due to exposure of the public to the site will be addressed.	
CCR 3709(a)	Equipment storage and waste disposal: Designate areas for equipment storage and show on maps. All waste shall be disposed of in accordance with state and local health and safety ordinances.	
CCR 3709(b)	Structures and equipment removed: Structures and equipment should be dismantled and removed at closure, except as demonstrated to be necessary for the proposed end use.	
CCR 3713(a)	Well closures:	

	Drill holes, water wells, monitoring wells will be completed or abandoned in accordance with laws, unless demonstrated necessary for the proposed end use.
CCR 3713(b)	Underground openings: Any portals, shafts, tunnels, or openings will be gated or protected from public entry, and to preserve access for wildlife (e.g. bats).

## GEOLOGY AND GEOTECHNICAL

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2772(c)(5)	A description of the general geology of the area A detailed description of the geology of the mine site.	
PRC 2773.3	If a metallic mine is located on, or within one mile of, any "Native American sacred site" and is located in an "area of special concern," the reclamation plan shall require that all excavations and/or excess materials be backfilled and graded to achieve the approximate original contours of the mined lands prior to mining.	
CCR 3502(b)(4)	The source and disposition of fill materials used for backfilling or grading shall be considered in the reclamation plan.	
CCR 3502(b)(3)	The designed steepness and treatment of final slopes must consider the physical properties of slope materials, maximum water content, and landscaping. The reclamation plan shall specify slope angles flatter than the critical gradient for the type of slope materials. When final slopes approach the critical gradient, a Slope Stability Analysis will be required.	
CCR 3704.1	Backfilling required for surface mining operations for metallic minerals.	
CCR 3704(a)	For urban use, fill shall be compacted in accordance with Uniform Building Code, local grading ordinance, or other methods approved by the lead agency.	
CCR 3704(b)	For resource conservation, compact to the standards required for that end use.	
CCR 3704(d)	Final reclamation fill slopes shall not exceed 2:1 (H:V), except when allowed by site-specific engineering analysis, and the proposed final slope can be successfully revegetated. See also Section 3502(b)(3).	
CCR 3704(e)	At closure, all fill slopes shall conform with the surrounding topography or approved end use.	
CCR 3704(f)	Final cut slopes must have a minimum slope stability factor of safety that is suitable for the end use and conforms with the surrounding topography or end use.	

## HYDROLOGY AND WATER QUALITY

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2770.5	For operations within the 100-year flood plain (defined by FEMA) and within one mile up- or downstream of a state highway bridge, Caltrans must be notified and provided a 45-day review period by the lead agency.	
PRC 2772(c)(8)(A)	Description of the manner in which contaminants will be controlled and mine waste will be disposed.	
PRC 2772(c)(8)(B)	The reclamation plan shall include a description of the manner in which stream banks/beds will be rehabilitated to minimize erosion and sedimentation.	
PRC 2773(a)	The reclamation plan shall establish site-specific sediment and erosion control criteria for monitoring compliance with the reclamation plan.	
CCR 3502(b)(6)	Temporary stream and watershed diversions shall be detailed in the reclamation plan.	
CCR 3503(a)(2)	Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.	
CCR 3503(b)(2)	Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.	
CCR 3503(a)(3)	Erosion control facilities shall be constructed and maintained where necessary to control erosion.	



CCR 3503(b)(1)	Settling ponds shall be constructed where they will provide a significant benefit to water quality.
CCR 3503(d)	Disposal of mine waste and overburden shall be stable and shall not restrict natural drainage without suitable provisions for diversion.
CCR 3503(e)	Grading and revegetation shall be designed to minimize erosion and convey surface runoff to natural drainage courses or interior basins. Spillway protection shall be designed to prevent erosion.
CCR 3706(a)	Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water.
CCR 3706(b)	Water quality, recharge potential, and groundwater storage that is accessed by others shall not be diminished.
CCR 3706(c)	Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of surface mining operations to minimize siltation of lakes and water courses as per RWQCB/SWRCB.
CCR 3706(d)	Surface runoff and drainage shall be controlled to protect surrounding land and water resources. Erosion control methods shall be designed for not less than 20 year/1 hour intensity storm event.
CCR 3706(e)	Impacted drainages shall not cause increased erosion or sedimentation. Mitigation alternatives shall be proposed in the reclamation plan.
CCR 3706(f)(1)	Stream diversions shall be constructed in accordance with the Lake and Streambed Alteration Agreement (LSAA) between the operator and the Department of Fish and Wildlife.
CCR 3706(f)(2)	Stream diversions shall also be constructed in accordance with Federal Clean Water Act and the Rivers and Harbors Act of 1899.
CCR 3706(g)	All temporary stream diversions shall eventually be removed and the affected land reclaimed.
CCR 3710(a)	Surface and groundwater shall be protected from siltation and pollutants in accordance with the Porter-Cologne Act, the Federal Clean Water Act, and RWQCB/SWRCB requirements.
CCR 3710(b)	In-stream mining shall be conducted in accordance with Section 1600 et seq. of the California Fish and Game Code, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899.
CCR 3710(c)	In-stream mining shall be regulated to prevent impacts to structures, habitats, riparian vegetation, groundwater levels, and banks. In-stream channel elevations and bank erosion shall be evaluated annually using extraction quantities, cross-sections, and aerial photos.
CCR 3712	Mine waste and tailings and mine waste disposal units are governed by SWRCB waste disposal regulations and shall be reclaimed in accordance with this article: CCR Article 1. Surface Mining and Reclamation Practice. Section 3500 et seq.

## SENSITIVE SPECIES AND HABITAT

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3502(b)(1)	A description of the environmental setting (identify sensitive species, wildlife habitat, sensitive natural communities, e.g. wetlands). Impacts of reclamation on surrounding land uses.	
CCR 3503(c)	Fish and wildlife habitat shall be protected by all reasonable measures.	
CCR 3703(a)	Sensitive species shall be conserved or mitigated as prescribed by the federal and California Endangered Species Acts.	
CCR 3703(b)	Wildlife habitat shall be established on disturbed land at least as good as pre-project, unless end use precludes its use as wildlife habitat.	
CCR 3703(c)	Wetlands shall be avoided or mitigated at 1:1 minimum for both acreage and habitat value.	
CCR 3704(g)	Piles or dumps shall not be placed in wetlands without mitigation.	
CCR 3710(d)	In-stream mining shall not cause fish to be trapped in pools or off-channel pits, or restrict migratory or spawning activities.	

# TOPSOIL

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3503(a)(1)	Removal of vegetation and overburden preceding mining shall be kept to a minimum.	
CCR 3503(f)	When the reclamation plan calls for resoiling, mine waste shall be leveled and covered with a layer of finer material. A soil layer shall then be placed on this prepared surface. The use of soil conditioners, mulches, or imported topsoil shall be considered where such measures appear necessary.	
CCR 3704(c)	Mine waste shall be stockpiled to facilitate phased reclamation and kept separate from topsoil or other growth media.	
CCR 3705(e)	If soil is altered or other than native topsoil, soil analysis is required. Add fertilizers or soil amendments if necessary.	
CCR 3711(a)	All salvageable topsoil shall be removed as a separate layer. Topsoil and vegetation removal should not precede mining by more than one year.	
CCR 3711(b)	Topsoil resources shall be mapped prior to stripping and location of topsoil stockpiles shown on map included in the reclamation plan. Topsoil and other growth media shall be maintained in separate stockpiles. Test plots may be required to determine the suitability of growth media for revegetation purposes.	
CCR 3711(c)	Soil salvage operations and phases of reclamation shall be set forth in the reclamation plan to minimize the area disturbed and to achieve maximum revegetation success.	
CCR 3711(d)	Topsoil and growth media shall be used to phase reclamation as soon as can be accommodated following the mining of an area. Topsoil stockpiles shall not be disturbed until needed for reclamation. Topsoil stockpiles shall be clearly identified with signs. Topsoil shall be planted with vegetation or otherwise protected to prevent erosion and discourage weeds.	
CCR 3711(e)	Topsoil shall be redistributed in a manner resulting in a stable, uniform thickness consistent with the end use.	

# REVEGETATION

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2773(a)	The reclamation plan shall be specific to the property and shall establish site-specific criteria for evaluating compliance with the reclamation plan with respect to revegetation.	
CCR 3503(g)	Available research regarding revegetation methods and selection of species given the topography, resoiling characteristics, and climate of the mined areas shall be used.	
CCR 3705(a)	Baseline studies shall be conducted prior to mining activities to document vegetative cover, density, and species richness. Vegetative cover shall be similar to surrounding habitats and self-sustaining.	
CCR 3705(b)	Test plots shall be conducted simultaneously with mining to ensure successful implementation of the proposed revegetation plan.	
CCR 3705(c)	Decompaction methods, such as ripping and disking, shall be used in areas to be revegetated to establish a suitable root zone for planting.	
CCR 3705(d)	Roads shall be stripped of roadbase materials, resoiled, and revegetated, unless exempted.	
CCR 3705(f)	Temporary access shall not disrupt the soil surface on arid lands except where necessary for safe access. Barriers shall be installed to keep unauthorized vehicles out. Use local native plant species (unless non-native species meet the end use).	
CCR 3705(g)	Areas to be developed for industrial, commercial, or residential shall be revegetated for the interim period to control erosion.	
CCR 3705(h)	Planting shall be conducted during the most favorable period of the year for plant establishment.	
CCR 3705(i)	Use soil stabilizing practices and irrigation when necessary to establish vegetation.	

CCR 3705(j)	If irrigation is used, demonstrate that revegetation has been self-sustaining without irrigation for two years prior to the release of financial assurance.
CCR 3705(k)	Weeds shall be monitored and managed.
CCR 3705(l)	Plant protection measures such as fencing and caging shall be used where needed for revegetation success. Protection measures shall be maintained until revegetation efforts are successfully completed and the lead agency authorizes removal.
CCR3705(m)	Quantitative success standards for vegetative cover, density, and species richness shall be included in the reclamation plan. Monitoring to occur until success standards have been achieved. Sampling techniques for measuring success shall be specified. Sample size must be sufficient to provide at least an 80 percent statistical confidence level.

## AGRICULTURE

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3707(a)	Where the end use will be agriculture, prime agricultural land shall be returned to a fertility level specified in the reclamation plan.	
CCR 3707(b)	Segregate and replace topsoil in proper sequence by horizon in prime agricultural soils.	
CCR 3707(c)	Post reclamation productivity rates for prime agricultural land must be equal to pre-project condition or to a similar site for two consecutive years. Productivity rates shall be specified in the reclamation plan.	
CCR 3707(d)	If fertilizers and amendments are applied, they shall not cause contamination of surface or groundwater.	
CCR 3708	For sites where the end use is to be agricultural, non-prime agricultural land must be reclaimed to be capable of sustaining economically viable crops common to the area.	

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 NOCI-1 (2019)

## NOTICE OF COMPLETION OF INSPECTION

Date of Notice: 04/02/2024

<b>To:</b> California Department of Conservation Division of Mine Reclamation Attention: Reporting Unit 801 K Street, MS 09-06 Sacramento, California 95814	<b>From:</b> <u>Inyo County</u> <small>(Lead Agency Name)</small> <u>Ryan Standridge</u> <small>(Lead Agency Contact Name)</small> <u>P.O. Drawer L</u> <small>(Lead Agency Address)</small> <u>Independence, CA 93526</u> <small>(Lead Agency City, State, Zip Code)</small>
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Mine Name: American Perlite Mine

CA Mine ID Number: 91- 14-0014

This submittal serves as the Lead Agency notice of completion of the annual inspection to the Division of Mine Reclamation (DMR) as required by the Surface Mining and Reclamation Act of 1975 (SMARA), specifically Public Resources Code (PRC) section 2774(b)(1), for the above referenced surface mining operation. A completed copy of the Surface Mine Inspection Report, form MRRC-1 and any other reports or documents prepared in support of this inspection are attached.

(I) Date the annual inspection was conducted: 09/03/2024

(II) Upon completion of the annual inspection, were aspects of this surface mining operation found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan?

- No.** Please check "Not Applicable" for box (IV), (V) and (VI), and complete remainder of form.  
 **Yes.** Please complete box (IV), (V) and (VI), as appropriate, and complete remainder of form.

(III) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with the SMARA, including the approved reclamation plan and were corrected before submission of the Inspection Report to the Division of Mine Reclamation:

The operator has taken steps, to remove gates on DWP property, . Additionally, they have made payment and properly submitted the annual report to DMR. Furthermore, an illegally placed office trailer has been removed.

Not Applicable

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CA Mine ID Number: 91- 14-0014  
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(IV) The following aspects of this surface mining operation were found by the Lead Agency to be inconsistent with SMARA, including the approved reclamation plan and were not corrected before submission of the Inspection Report to the Division of Mine Reclamation:

Operator mined outside of his approved reclamation plan. Operator could not provide proof of grandfathered water rights. Operator has violations with Environmental Health (CUPA), Great basin, and CDFW. Operator still needs to permit for Generator and Conex box with electrical cabinets, and anything over 120 sq ft.

(Box (V) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)

Not Applicable

(V) Upon completion of the annual inspection, the Lead Agency has determined this surface mining operation to be:

- Compliant with SMARA, including the approved reclamation plan.
- Not Compliant with SMARA, including the approved reclamation plan.
- Not Applicable

(VI) The following statement describes the Lead Agency's intended response to any aspects of this surface mining operation found to be inconsistent with SMARA, including the approved reclamation plan, but were not corrected before submission of the Inspection Report to the Division of Mine Reclamation. This includes whether a Notice of Violation or Order to Comply has been issued or will be issued or whether other enforcement actions under the lead agency's local mining ordinances has or will be initiated:

Since a notice of violation has already been issued, a stipulation agreement will be necessary.

(Box (VI) **must** be completed if aspects remain that were not corrected prior to submission of the Inspection Report.)

Not Applicable

(VII) The following statement describes whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency.


Not Applicable

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CA Mine ID Number: 91- 14-0014  
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(VIII) Has a financial assurance cost estimate required under PRC section 2773.4(d) been provided by the operator? If not, please explain.  
 Yes  No  
The first one was denied and the resubmit is attached

(IX) Does this surface mining operation have a review of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the Lead Agency under PRC section 2770(b) or (h)?  
 Yes  No

(X) Does this surface mining operation have an appeal of its reclamation plan, plan amendment, financial assurances, or interim management plan pending before the State Mining and Geology Board or the lead agency governing body under PRC section 2770(e) or (h)?  
 Yes  No

(XI) Lead Agency Representative Signature:  
Signature:   
Name: Ryan Standridge  
(please print)  
Title: Associate Planner/SMARA Coordinator

(XII) cc: justin@norcalperlite.com  
(Surface Mine Operator)  
cc: \_\_\_\_\_  
(Federal Entity, if required)

**Attachments:**

- Surface Mine Inspection Report, form MRRC-1
- Other reports or documents, if any.

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Date Inspection Conducted: 09/07/2023	CA Mine ID Number: 91- 91-14-0014
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## SURFACE MINING INSPECTION REPORT

<b>I. Mine Name:</b> American Pelite Mine
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<b>II. Mine Operator:</b> Nor Cal Perlite Inc		
Mailing Address: P.O. Box 598		
City: Big Pine	State: CA	ZIP Code: 93513
Name of Onsite Contact Person: Mark Sargent	Email Address: sargent823@yahoo.com	Telephone: 760-920-6535

<b>III. SMARA Lead Agency Name:</b> Inyo County		
Inspector's Name: Ryan Standridge		
Name of Entity or Organization: Inyo County Planning Department		
Inspector's Mailing Address: P.O. Drawer L		
City: Independence	State: Ca	ZIP Code: 93526
E-mail Address: rstandridge@inyocounty.us	Telephone: 760-878-0405	

<b>IV. Approved Documents</b>	
Permit Number:  <input type="checkbox"/> Not Applicable	Expiration Date, if Applicable:
Vested Right:  <input type="checkbox"/> Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 90-01	Date Approved: 08/22/1990
Interim Management Plan: <input type="checkbox"/> Not Applicable <input type="checkbox"/> Initial <input type="checkbox"/> 1 <sup>st</sup> Renewal <input type="checkbox"/> 2 <sup>nd</sup> Renewal	Date Approved:

<b>V. Is this operation located partly or solely on Federal land?</b>	Check One: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Inspecting Agency Code(s):	Reason for Inspection: AI
Land Use Designation/Zoning for Surface Mine Operation: Rural Protection/ Open Space	



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<b>Date Inspection Conducted:</b> 09/07/2023	<b>CA Mine ID Number:</b> 91- 91-14-0014
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## SURFACE MINING INSPECTION REPORT

<b>VI. Financial Assurances</b>	
<b>A. Information on Financial Assurance Cost Estimate</b>	
Date and Amount of Most Recently Approved Financial Assurance Cost Estimate	
Date: 04/13/2020	Amount: \$ 133,335.78
<input type="checkbox"/> Other Information?	Explanation:

<b>B. Information on Financial Assurance Mechanism(s)</b>				
Type of Financial Assurance Mechanism(s): Irrevocable Letter of Credit	Financial Assurance Mechanism Number(s): #MB60517401	Amount of Mechanism: \$136,000	Date of Expiration: 02/24/2022	Date of Approval by the Lead Agency: 02/26/2019
Total Amount of Mechanism(s):		\$136,000		
Has there been a change of operator since the last inspection? If yes, provide the date of notice.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Date of Change:				

<b>VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.</b> [Use separate sheet(s) where necessary. Refer to item numbers below]		
<b>Potential Reclamation Plan Requirements</b>	<b>List Reclamation Plan Requirements</b>  (Recommended to be filled out prior to field inspection)	<b>Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.</b>  (Note additional comments on Section VIII as necessary)
<b>A) General Information</b>	1. Perlite 2. 50,000 tons annually Not Mentioned Not Mentioned	
1) Approved mineral type(s)		
2) Approved production amount (Annual/Gross)		
3) Termination date of operations		
4) Permit end date		

Date Inspection Conducted:  
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CA Mine ID Number:  
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## SURFACE MINING INSPECTION REPORT

<b>VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.</b> (Use separate sheet(s) where necessary. Refer to item numbers below)		
Potential Reclamation Plan Requirements	List Reclamation Plan Requirements  (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.  (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation	Open Space The site has been operating since mid 1950's	
6) Description of pre-SMARA disturbances, if any		
<b>B) Boundaries</b>	Ap 18-350-05 18-350-06 Sections 19,24,25 & 30, T.10S., R.33&34 E., M.D.B.&M.	The mine is located approximately 4.5 miles west of US Highway 395, and approximately 7 miles south of Big Pine. Informed operator that they were outside of the rec plan.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
<b>C) Slopes – Grading</b>	Any cut slopes will either be benched or sloped to blend in with the existing contours of the land	
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
<b>D) Erosion Control</b>	The mineral being mined is a volcanic silicate (an absorbent and dehydrator) material. This in combination with the mine being on an isolated hill minimizes any erosion.	
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
<b>E) Ponds</b>	none	
1) Design – Function		
2) Capacity (area/depth/volume)		
3) Maintenance		
<b>F) Stream &amp; Wetland Protection</b>	The mineral being mined is a volcanic silicate material. The mine being on an isolated hill minimizes erosion. Special care will be given to the drainage patterns within the disturbed areas.	There is concern of waste piles near the north pile may be to close to a intermittent Stream.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:  
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CA Mine ID Number:  
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## SURFACE MINING INSPECTION REPORT

**VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.**

[Use separate sheet(s) where necessary. Refer to item numbers below]

Potential Reclamation Plan Requirements	List Reclamation Plan Requirements  (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.  (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
<b>G) Sensitive Wildlife &amp; Plant Protection</b>	none	
1) List species		
2) Protection measures		
<b>H) Soil/Overburden Stockpile Management</b>	The top soil placed in a 50 foot by 1,400 foot ravine located to the northwest of the main mining operation and covered with overburden for protection.	
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
<b>I) Revegetation</b>	The area will be prepared and hydro-seeded with a native species mix approved by Inyo County	
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
<b>J) Structures</b>	silos/storage/dispersing structure, mill facility shop/garag	all structures are in good condition. A new office was placed without permit
<b>K) Equipment</b>	Equipment is brought on or removed as needed.	Water truck excavator, power screens, loader

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## SURFACE MINING INSPECTION REPORT


VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII. [Use separate sheet(s) where necessary. Refer to item numbers below]		
Potential Reclamation Plan Requirements	List Reclamation Plan Requirements  (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.  (Note additional comments on Section VIII as necessary)
L) Closure of Adits	none	
M) Other Reclamation Plan Requirements		

VIII. A. Use this space to describe general observations and sketches of the operation:
<p>Due to concerns raised regarding the operator's activities potentially occurring beyond the designated boundaries, a comprehensive audit review of the entire Reclamation plan folders was conducted. This review revealed that the ongoing mining operations are indeed taking place outside of the bounds specified in the approved reclamation plan. Consequently, in accordance with regulatory conditions, the operator is mandated to submit an application for a Conditional Use Permit.</p> <p>Furthermore, it has come to our attention that the operator relocated an office onto the property without obtaining the necessary permits, despite prior advisement to their staff regarding the permitting requirement.</p> <p style="text-align: right;">Additional observations/sheets/documents/sketches/photographs attached?    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><b>B. Describe areas of the operation that have been disturbed since the last inspection:</b></p> <p>Approximate total disturbed acreage since last inspection: 7</p> <p>Approximate total acreage of mined lands: 80</p>
<p><b>C. Describe areas of the operation that have been reclaimed since the last inspection:</b></p> <p>Approximate reclaimed acreage since last inspection: 0</p> <p>Approximate total reclaimed acreage: 0</p>
<p><b>D. Describe areas where the operator plans to conduct operations in the upcoming year:</b></p> <p>Operator plans on moving west with benching</p>
<p><b>E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries:</b></p> <p>working outside the 5.4 approved acres</p>

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## SURFACE MINING INSPECTION REPORT

<p><b>F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.</b></p> <p>Table II (E) 8100 short tons.</p>		
<p><b>G. Describe any limitations encountered during the inspection:</b></p> <p>none</p>		
<p><b>H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:</b></p> <p>Mining activities are occurring beyond the approved 5-acre reclamation plan</p>		
<p><b>I. Do any of those conditions or aspects require further evaluation?</b></p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):</p>		
<p><b>J. Was a Notice of Violation issued for any of the above?</b></p> <p><input checked="" type="checkbox"/> No, describe:</p> <p><input type="checkbox"/> Yes, describe:</p>		
<p><b>K. Describe remedial activities for any pre-existing or existing enforcement actions:</b></p>		
<p><b>L. Duration of Inspection:</b>  Start Time: 10:40AM    Finish Time: 12:00 PM</p>		
<p><b>M. Weather Code(s):</b> CR</p>		<p><b>N. Status of Mine Code(s):</b> Active</p>
<p><b>O. Inspection Attendees and Affiliations</b>  Mark Sargent, Salomon Lataoski of American Perlite, Ryan Standridge of Inyo County</p>		
<p><b>IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:</b></p> <p>18195</p>	<p><b>Inspectors Signature:</b></p> 	<p><b>If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:</b></p>
<p><b>Certification Expiration Date:</b></p> <p>08/09/2028</p>	<p><b>Date Signed:</b></p> <p>04/02/2024</p>	

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Date Inspection Conducted: 01/31/2024	CA Mine ID Number: 91- 91-14-0014
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## SURFACE MINING INSPECTION REPORT

<b>I. Mine Name:</b> American Pelite Mine
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<b>II. Mine Operator:</b> Nor Cal Perlite Inc		
Mailing Address: P.O. Box 598		
City: Big Pine	State: CA	ZIP Code: 93513
Name of Onsite Contact Person: Mark Sargent	Email Address: sargent823@yahoo.com	Telephone: 760-920-6535

<b>III. SMARA Lead Agency Name:</b> Inyo County		
Inspector's Name: Ryan Standridge		
Name of Entity or Organization: Inyo County Planning Department		
Inspector's Mailing Address: P.O. Drawer L		
City: Independence	State: Ca	ZIP Code: 93526
E-mail Address: rstandridge@inyocounty.us	Telephone: 760-878-0405	

<b>IV. Approved Documents</b>	
Permit Number: <input type="checkbox"/> Not Applicable	Expiration Date, if Applicable:
Vested Right: <input type="checkbox"/> Not Applicable	Date of Lead Agency Determination:
Reclamation Plan Number: 90-01	Date Approved: 08/22/1990
Interim Management Plan: <input type="checkbox"/> Not Applicable <input type="checkbox"/> Initial <input type="checkbox"/> 1 <sup>st</sup> Renewal <input type="checkbox"/> 2 <sup>nd</sup> Renewal	Date Approved:

<b>V. Is this operation located partly or solely on Federal land?</b>	Check One: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Federal authorizations associated with this operation? If yes, explain:	Check One: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Inspecting Agency Code(s): DOC, DFW,O	Reason for Inspection: RE/PC
Land Use Designation/Zoning for Surface Mine Operation: Rural Protection/ Open Space	

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<b>Date Inspection Conducted:</b> 01/31/2024	<b>CA Mine ID Number:</b> 91- 91-14-0014
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## SURFACE MINING INSPECTION REPORT

<b>VI. Financial Assurances</b>	
<b>A. Information on Financial Assurance Cost Estimate</b>	
Date and Amount of Most Recently Approved Financial Assurance Cost Estimate	
Date: 04/13/2020	Amount: \$ 133,335.78
<input type="checkbox"/> Other Information?	Explanation:

<b>B. Information on Financial Assurance Mechanism(s)</b>				
Type of Financial Assurance Mechanism(s): Irrevocable Letter of Credit	Financial Assurance Mechanism Number(s): #MB60517401	Amount of Mechanism: \$136,000	Date of Expiration: 02/24/2022	Date of Approval by the Lead Agency: 02/26/2019
Total Amount of Mechanism(s):		\$136,000		
Has there been a change of operator since the last inspection? If yes, provide the date of notice.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Date of Change:				

<b>VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.</b> [Use separate sheet(s) where necessary. Refer to item numbers below]		
<b>Potential Reclamation Plan Requirements</b>	<b>List Reclamation Plan Requirements</b> <b>(Recommended to be filled out prior to field inspection)</b>	<b>Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.</b>  <b>(Note additional comments on Section VIII as necessary)</b>
<b>A) General Information</b>		
1) Approved mineral type(s)	1. Perlite	
2) Approved production amount (Annual/Gross)	2. 50,000 tons annually Not Mentioned	
3) Termination date of operations	Not Mentioned	
4) Permit end date		



Date Inspection Conducted: 01/31/2024	CA Mine ID Number: 91- 91-14-0014
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## SURFACE MINING INSPECTION REPORT

<b>VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII.</b> [Use separate sheet(s) where necessary. Refer to item numbers below]		
Potential Reclamation Plan Requirements	List Reclamation Plan Requirements  (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.  (Note additional comments on Section VIII as necessary)
5) Anticipated/approved use of mined lands after reclamation	Open Space The site has been operating since mid 1950's	
6) Description of pre-SMARA disturbances, if any		
<b>B) Boundaries</b>	Ap 18-350-05 18-350-06 Sections 19,24,25 & 30, T.10S., R.33&34 E., M.D.B.&M.	The mine is located approximately 4.5 miles west of US Highway 395, and approximately 7 miles south of Big Pine. Owner Justin was present and it was explained to him that he is mining outside of the boundary.
1) Property boundary		
2) Permit boundary		
3) Reclamation plan boundary (RPB)		
4) Setbacks		
<b>C) Slopes – Grading</b>	Any cut slopes will either be benched or sloped to blend in with the existing contours of the land	New Quarry was located on 18-350-06 Mitigation strategies for addressing unsafe vertical walls were requested of the owner to stabilize, and implementation of appropriate engineering controls to minimize hazards and ensure the safety of personnel.
1) Fill Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
iii. Compaction		
2) Cut Slopes –		
i. Slopes – Active (max/current)		
ii. Slopes – Reclaimed		
<b>D) Erosion Control</b>	The mineral being mined is a volcanic silicate (an absorbent and dehydrator) material. This in combination with the mine being on an isolated hill minimizes any erosion.	Dust mitigation is an issue a water truck was not used on site during inspection. The tailings are required to be covered with native soil once every 24 hours. This is not being done. Great Basin had an existing violation and was issued another from this visit.
1) Best management practices (BMPs)		
2) Grading		
3) Vegetation		
<b>E) Ponds</b>		
1) Design – Function	none	
2) Capacity (area/depth/volume)		
3) Maintenance		
<b>F) Stream &amp; Wetland Protection</b>	The mineral being mined is a volcanic silicate material. The mine being on an isolated hill minimizes erosion. Special care will be given to the drainage patterns within the disturbed areas.	the operator was requested to provide proof of grandfathered water rights. It has come to light that the operator has been extracting water from Tinemha Creek. Upon closer inspection, it was discovered that they had excavated a new area and installed piping, which was not part of the original water system.
1) Buffers (distance to channel)		
2) Berms (distance/length/height)		
3) BMPs		
4) Drainage		

Date Inspection Conducted:  
 01/31/2024

CA Mine ID Number:  
 91- 91-14-0014

## SURFACE MINING INSPECTION REPORT

<b>VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See instructions for Block VII.</b> (Use separate sheet(s) where necessary. Refer to item numbers below)		
<b>Potential Reclamation Plan Requirements</b>	<b>List Reclamation Plan Requirements</b>  (Recommended to be filled out prior to field inspection)	<b>Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.</b>  (Note additional comments on Section VIII as necessary)
5) Grading and slopes		
6) Stockpiles		
7) Stream diversions		
<b>G) Sensitive Wildlife &amp; Plant Protection</b>	none	
1) List species		
2) Protection measures		
<b>H) Soil/Overburden Stockpile Management</b>	The top soil placed in a 50 foot by 1,400 foot ravine located to the northwest of the main mining operation and covered with overburden for protection.	Stockpile is located under the new storage
1) Topsoil		
i. Location		
ii. Slope stability		
iii. BMPs		
2) Overburden		
i. Location		
ii. Slope stability		
iii. BMPs		
3) Topsoil Application		
i. Amendments		
ii. Depth		
iii. Moisture		
iv. Application methods		
<b>I) Revegetation</b>	The area will be prepared and hydro-seeded with a native species mix approved by Inyo County	
1) Test plots		
2) Species mix		
3) Density		
4) Percent cover		
5) Species richness		
6) Protection		
7) Success monitoring		
8) Invasive species control		
<b>J) Structures</b>	silo/storage/dispersing structure, mill facility shop/garag	Operator required to apply for building permits on equipment and remove buildings not up to code
<b>K) Equipment</b>	Equipment is brought on or removed as needed.	Water truck excavator, power screens, loader

Date Inspection Conducted: 01/31/2024	CA Mine ID Number: 91- 91-14-0014
--	--------------------------------------

## SURFACE MINING INSPECTION REPORT


VII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VII. (Use separate sheet(s) where necessary. Refer to item numbers below)		
Potential Reclamation Plan Requirements	List Reclamation Plan Requirements  (Recommended to be filled out prior to field inspection)	Note current site observations. Describe site conditions and aspects of the operation that are or may be inconsistent with the reclamation plan or SMARA.  (Note additional comments on Section VIII as necessary)
L) Closure of Adits	none	
M) Other Reclamation Plan Requirements		

<p><b>VIII. A. Use this space to describe general observations and sketches of the operation:</b></p> <p>The inspection process involved multiple agencies, including Great Basin, Environmental Health, the Building Department, and Fish &amp; Wildlife. During the site visit, additional violations were identified. Inyo County acknowledges these violations and remains committed to working with the operator within the regulatory framework outlined by the Surface Mining and Reclamation Act (SMARA). Collaboration between the county and the operator will be essential to address the violations and ensure compliance with all relevant regulations and standards.</p> <p>Affiliates attended J. Clarke, A Giguere, M. Sargent, of Perlite T. Schaniel, A. Logan, Of Great Basin, R. Medina, of environmental Health, T. Tiffany, of Code enforcement T. Sparrow, of Building &amp; Safety, J. Fau C. Meehan, Of DMR</p> <p>Additional observations/sheets/documents/sketches/photographs attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>B. Describe areas of the operation that have been disturbed since the last inspection:</b></p> <p>Approximate total disturbed acreage since last inspection: 7</p> <p>Approximate total acreage of mined lands: 80</p>
<p><b>C. Describe areas of the operation that have been reclaimed since the last inspection:</b></p> <p>Approximate reclaimed acreage since last inspection: 0</p> <p>Approximate total reclaimed acreage: 0</p>
<p><b>D. Describe areas where the operator plans to conduct operations in the upcoming year:</b></p> <p>Operator plans on coming into compliance</p>
<p><b>E. Describe the extent of mined lands with respect to the permitted/approved reclamation plan boundaries:</b></p> <p>working outside the 5.4 approved acres</p>

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Date Inspection Conducted: 01/31/2024	CA Mine ID Number: 91- 91-14-0014
--	--------------------------------------

## SURFACE MINING INSPECTION REPORT

<p><b>F. Describe the fee category reported in the most recent Annual Report and its consistency with the conditions observed during the inspection.</b></p> <p>Table II (E) 8100 short tons.</p>	
<p><b>G. Describe any limitations encountered during the inspection:</b></p> <p>none</p>	
<p><b>H. Describe conditions or aspects of the operation that are or may be inconsistent with the approved reclamation plan or SMARA:</b></p> <p>Mining activities are occurring beyond the approved 5-acre reclamation plan</p>	
<p><b>I. Do any of those conditions or aspects require further evaluation?</b></p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes, describe (For example, further evaluation or analysis may be required by a state-licensed professional or specialist):</p> <p>An engineer needs to provide justin with a solution for the high walls in the quarry</p>	
<p><b>J. Was a Notice of Violation issued for any of the above?</b></p> <p><input checked="" type="checkbox"/> No, describe:</p> <p>No a previous letter was mailed out and Justin has agreed to enter into a stipulation agreement</p> <p><input type="checkbox"/> Yes, describe:</p>	
<p><b>K. Describe remedial activities for any pre-existing or existing enforcement actions:</b></p> <p>Operator will need to apply for conditional use, and amend reclamation plan</p>	
<p><b>L. Duration of Inspection:</b></p> <p>Start Time: 10:00AM    Finish Time: 1:00 PM</p>	
<p><b>M. Weather Code(s):</b></p>	<p><b>N. Status of Mine Code(s):</b></p> <p>Active</p>
<p><b>O. Inspection Attendees and Affiliations</b></p> <p>Se above observations to see attendees, Ryan Standridge of Inyo County</p>	
<p><b>IX. Inspector's "Certificate of Completion of Inspection Workshop" Number:</b></p> <p>18195</p>	<p><b>Inspectors Signature:</b></p> 
<p><b>Certification Expiration Date:</b></p> <p>08/09/2028</p>	<p><b>Date Signed:</b></p> <p>04/02/2024</p>
<p><b>If the inspector is a State-licensed person or a contractor for the lead agency, provide license type and number:</b></p>	

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FINANCIAL ASSURANCE COST ESTIMATE  
FOR

American Perlite

(Mine Name)

CA Mine ID # 91- 14-0014

Reclamation Plan #/Name RP #90-2

Prepared by: (Name & Affiliation):

Craig Smith  
GEM Consulting Partners LLC  
1150 Connie Lane  
Arroyo Grande, CA 93420

SME Registered #0299396  
craig.ss.smith@gmail.com  
805-598-3105

Date: 02/28/2024

This financial assurance cost estimate prepared and submitted pursuant to (choose one):

- A new or amended reclamation plan approved on (Date): \_\_\_\_\_
- An annual mine inspection performed on (Date): 09/07/2023
- Other: Please Specify:

Multi-agency inspection 1/31/2024. Resubmitted after FACE denied 2/14/24

Most Recent Approved Financial Assurance Cost Estimate

Date: 12/02/2022

Amount: \$ 275,779

Amount of existing Financial Assurance Mechanism(s)

Date: 01/24/2024

Amount: \$ 275,792

**SME**

Society for  
Mining, Metallurgy  
& Exploration

Craig M. Smith

SME Registered Member No: 2993396

Signature: *Craig M. Smith*

Date Signed: 2/28/2024

Expiration date: 12/31/2024

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**I. SUPPORTING DOCUMENTS**

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

**Reclamation Plan Approval Date and Number**

RP #90-2, approved 9/25/1990

**Permits and/or Environmental Documents Approved as, or Conditioned upon, the Reclamation Plan**

Surface mine has operated since 1951 for perlite mineral. INYO county has 1975 aerial photography documenting 30 acres of pre-1976 extraction. Reclamation plan RP #90-2 was approved for 5.4 acres in the east mining area. Mining has expanded 74.6 acres beyond this approval, and INYO requires an amended reclamation plan and conditional use permit for this expansion.

**Other Agency Financial Assurances Securing Reclamation of Disturbed Lands**

FAM is a annually renewed letter of credit from Bank of the West.

**Wage Rates used in Cost Estimate\*** *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (<http://www.dir.ca.gov/OPRU/PWD/index.htm>) with employer labor surcharge added, or greater)*

Prevailing wage for operating engineer craft, issued August 2023 to June 2024.

**Equipment Rates used in Cost Estimate\*** *(Use current 'Labor Surcharge and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (<http://www.dot.ca.gov/itq/construc/equipmnt.html>) or other publicly available and verifiable local rates)*

Equipment Rental Rates issued April 2023 to March 2024, by CA Division of Construction

**Equipment Production Rates used in Cost Estimate** *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

Operator and Mine Consultant experience, Latest CAT Handbook as necessary

\* Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with Labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.

**Attachments:**

West Mine Equipment Removal

CAT Handbook production chart

Seed quote Great Basin Seed Co. Hydroseeder quote

Topographic Drone Survey quote for mine and reclamation planning

## II. Description of Current Site Conditions

*(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)*

---

94 acres is the total mine disturbance since 1951 per INYO County. 30 acres are pre-1976 per as measured on INYO archived 1975 aerial photos. Therefore 64 acres require reclamation plus the new western mine disturbance of 16 acres, equaling 80 acres requiring reclamation. 2022 mine work disturbed an additional 5 acres, considering west mine expansion and mine road improvements, widening the haul road to access the west mine. Another 5 acres is added for the western mine flat area 2022 and 2023 based on aerial photo analysis. Total disturbed area is 90 acres considering the INYO 1975 baseline. The 30 acres pre-76 will be reviewed in the application for the amended reclamation plan.

Correction actions for violations are necessary for INYO county. The western site includes an illegally placed office building and Connex boxes, which must be removed in mid February 2024. A conditional use permit for an amended reclamation plan is required by INYO county. A stipulation agreement for this reclamation amendment must be signed with INYO in mid February 2024. A topographic survey to improve mine and reclamation planning, a quotation is attached.

The western highwall is benched and INYO is requesting further detail on its grading for reclamation. The topographic survey will provide the best volume estimate. Volume of reclamation grading is increased and can be refined annually after the topographic survey completed. This survey is essential for the conditional use permit, mining and reclamation plans.

---

## III. Description of Anticipated Site Conditions (12 months from date of estimate)

*(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)*

---

This mine is an important source of large particle sized, expansion perlite for the United States. Set up of the mine for quality control has developed a MSHA inspected, safe, benched, overall extraction approach. A flat crushing and screen sizing area is adjacent westward. No large increases in acreage are anticipated. Erosion control will be improved above the topmost bench.

Plans will be considered for overburden removal and equipment selection, suitable to reclaiming the eastern mine areas, depleted of mineral resources.

---

## IV. Description/Justification of Cost Increase/Decrease

---

Hours work increased to regrade highwall, and eastern area increasing cost. Dismantling equipment and labor hours increased 20% to refine plant dismantling and look for an earlier opportunity, rather than wait for end of mine. Hydro-seeding cost increased due to acreage and higher material cost.



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**V. PLANT STRUCTURES AND EQUIPMENT REMOVAL** *(use multiple sheets as needed)*

*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

**Current Site Condition:**

---

The main structures on the three land parcels are the old crushing and screening plant located in front of Queen Bee 1, or East Mine. American Perlite estimates 1150 tons of Bins, Steel Beams, conveyors, and silos. Adjacent to the old plant is a 40x40 work shed and a 40x10 steel hut for storage. Across from those structures is a small shed used to house the electrical service panel which brings in service to the front Parcel.

The other building on property is located in the Queen Bee 2 western deposit, sited on the west and level area near, the benched extraction mine.

---

**Reclamation Plan Performance Standard (End Use):**

---

Removal of all structures, equipment, vehicles, and debris, smooth graded and seeded.

Per RP #90-2, concrete pads and foundation shall be buried under California Standard with rebar removed and concrete broken down to pea size gravel.

---

**Describe tasks:**

---

Demo of old plant structures with equipment and ironworker's, sorting steel and any other recyclables from construction waste. Haul steel to be salvaged, Bishop. Haul waste to landfill, Bishop. Page 14.

---

Equipment on site wholly owned by operator?  YES  NO  
*(If no, please provide the name/s and contact information for any lien holder)*

---

Mine equipment is both owned and leased by the operator. All western mine equipment will be removed at mine closure, a page is included detailing west equipment removal cost. The equipment is new, low hours and will bring good value. Net salvage value is not taken in this Face accounting.

---

*(add additional pages as needed)*

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### V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Methods to be used:

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
CAT 325 Excavator	hr	130.69	80	10455.20
CAT 980 Loader	hr	218.93	40	8757.20
3 axle dump truck	hr	93.59	40	3743.60
Link Belt 48A	hr	79.56	40	3182.40

Total Equipment Cost for this Task = \$ 26,138.40

- B. Labor – List all labor categories to complete identified task

Labor Category	\$/Hour <i>(prevailing wage)</i>	Labor Surcharge/Hr <i>(where applicable)</i> <i>(enter % of wage)</i>	# of Hours	Cost (\$)
Excavator Group 8	91.60		60	5496.00
Loader Group 8	91.60		40	3664.00
Ironworker Group 6	91.49		120	10978.80
Truck Driver Group 6	91.49		40	3659.60
Laborer Group 1	88.71		80	7096.80

Total Labor Cost for this Task = \$ 30,895.20

- C. Demolition – List all structures and equipment to be dismantled or demolished and removed from site

Structure/Equipment to be Removed	Type of Material	Volume/ Quantity	Unit Cost Basis	Disposal Cost	Cost (\$)
Ore feed and crusher, 1100 tons	steel		above		0.00
Out buildings, 150 tons	aluminum		above		0.00
Cribbing 50 tons	steel		above		0.00
Misc / contingency 400 tons	steel		above		0.00

Total Materials Cost for this Task = \$ 0.00

- D. Total Direct Cost of Structure and Equipment Removal (Total A+B+C)

Equipment Costs + Labor Cost + Demolition Cost = \$ 57,033.60

- E. Net Salvage Value\* (Supported by properly prepared third party estimate, bid, or cost calculation.)

Net Salvage Value = \$ 0.00

- F. Total Cost of Structure and Equipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = \$ 57,033.60

\*NOTE: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

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**V. PLANT STRUCTURES AND EQUIPMENT REMOVAL** *(use multiple sheets as needed)*

*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

Current Site Condition: \_\_\_\_\_

Mine Equipment Removal Page

Western mine perlite is extracted in a benched highwall. Mining equipment of an excavator and loaders are utilized to produce ore stockpiles for feeding crushing and screening equipment processes. This page is to account for the mine and processing equipment removal costs at mine closure.

Reclamation Plan Performance Standard (End Use): \_\_\_\_\_

Removal of all mining, processing equipment

Describe tasks: \_\_\_\_\_

Remove all Powerscreen, portable crushing and screening equipment. Remove excavator, loaders, skid steer, service truck, pick up trucks, CAT generator and fuel tanks

Equipment on site wholly owned by operator?:  YES  NO

*(If no, please provide the name/s and contact information for any lien holder)*

\_\_\_\_\_  
*(add additional pages as needed)*

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### V. PLANT STRUCTURES AND EQUIPMENT REMOVAL *(use multiple sheets as needed)*

Methods to be used:

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
Powerscreen Truck / Lowboy 6 axle and pilot	hr	229.52	24	5508.48
Loaders Excavator Truck / Lowboy 4 axle	hr	152.41	24	3657.84
Truck for Cat Generator	hr	105.34	8	842.72
Skid Steer and Fuel tanks	hr	101.33	8	810.64
	hr			

Total Equipment Cost for this Task = \$ 10,819.68

- B. Labor – List all labor categories to complete identified task

Labor Category	\$/Hour <i>(prevailing wage)</i>	Labor Surcharge/Hr <i>(where applicable) (enter % of wage)</i>	# of Hours	Cost (\$)
9 axle lowboy Group 25 operator	93.39		24	2241.36
Truck driver Group 6	91.49		48	4391.52
Truck driver Group 10 lowboy	91.72		32	2935.04
Truck driver Group 10	91.72		24	2201.22

Total Labor Cost for this Task = \$ 11,769.20

- C. Demolition – List all structures and equipment to be dismantled or demolished and removed from site

Structure/Equipment to be Removed	Type of Material	Volume/ Quantity	Unit Cost Basis	Disposal Cost	Cost (\$)
Removal of west portable equipment to Bakersfield					0.00
Equipment return to dealers or auction to be determined at Mine Closure					
Equipment has excellent resale quality see equipment removal report					
No salvage value taken					

Total Materials Cost for this Task = \$ 0.00

- D. Total Direct Cost of Structure and Equipment Removal (Total A+B+C)

Equipment Costs + Labor Cost + Demolition Cost = \$ 22,588.88

- E. Net Salvage Value\* (Supported by properly prepared third party estimate, bid, or cost calculation.)

Net Salvage Value = \$ 0.00

- F. Total Cost of Structure and Equipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = \$ 22,588.88

\*NOTE: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

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## VI. PRIMARY RECLAMATION ACTIVITY

*Use multiple sheets as necessary to estimate the cost of each activity required. Provide documentation showing that rates, prices, and wages are available locally to the lead agency and/or the Department if necessary.*

### Current Site Conditions:

---

The primary mine operation is west, named the Queen Bee 2. This mine operates in a benched open face mine, using an excavator to extract perlite and cast to blending benches below. This activity mixes the ore for uniform quality feed to the crushing / screen system. The overall benched slope operation is used to extract safely, meeting MSHA standards. Reclamation grading will return the benched west slopes to a minimum 2:1 slope. A drone topography survey is recommended to quantify FACE reclamation estimations and long term mine plans, A quotation is attached and has been presented to American Perlite.

---

### Reclamation Plan Performance Standard (End Use):

---

Open Space returned to 2:1 slopes or less. The wide MSHA standard mine roads will be returned to original narrower access country roads.

---

### Describe tasks, methods, equipment, etc.:

*Decompaction, cut, fill, haul, slope reduction, compaction, grading, topsoil placement, drainage work, soil amendments, special requirements, etc. Separate sheets may be used for each task if necessary.*

---

Reclamation grading will cut and fill the west benched mine to 2:1 slope or less. All benched areas will be smoothed off to blend contours to original ground. Roads will be narrowed, side ripped and smoothed for seeding.

---

### Provide quantities:

*Overburden and topsoil, cut and fill, import or export (cubic yards), area (acres), haul distances (feet), equipment production rates (cubic yards/hour, or as applicable), etc.*

---

West mine reclamation is 55,000 yards of bench removal earthwork, estimated. Western disturbed acres are 26. Production rates noted and estimated, by operator / consultant experience and backed by CAT Handbook productivity in the appendix.

---

*(add additional pages as needed)*

**VI. PRIMARY RECLAMATION ACTIVITY** (Remove benches slope BW) (use multiple sheets as needed)  
 (Describe Reclamation Activity Being Estimated)

Acres:	26	Overburden (cy):	55,000 cy BW
Haul Distance (ft):	0	Topsoil (cy):	
Production Rate (cy/hr):	400 for D8		

Methods to be used:

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
CAT D8N R5 rippers, C&F west benches to slope	hr	227.54	140	31855.60
Cut. fill, track compact to 2:1 slope				

Total Equipment Cost for this Task = \$ 31,855.60

- B. Labor – List all labor categories to complete identified task

Labor Category	\$/Hour (prevailing wage)	Labor Surcharge/Hr (where applicable) (enter % of wage)	# of Hours	Cost (\$)
D8 Group 8	91.60		140	12824.00

Total Labor Cost for this Task = \$ 12,824.00

- C. Materials – List all materials required to complete identified task

Item	\$/Unit	Sales tax (enter local rate in %)	Quantity	Cost (\$)

Total Materials Cost for this Task = \$ 0.00

- D. Total Direct Cost for this Task

Equipment Costs + Labor Cost + Materials Cost = \$ 44,679.60

## VI. PRIMARY RECLAMATION ACTIVITY

*Use multiple sheets as necessary to estimate the cost of each activity required. Provide documentation showing that rates, prices, and wages are available locally to the lead agency and/or the Department if necessary.*

### Current Site Conditions:

---

The east mine grading has upper and moderate slopes, on this hill top mine. A drone topography survey is recommended to improve FACE reclamation estimations. A survey quotation is attached. GEM work measured 40 acres need re-shaping, mainly at the edges. 15,000 yards of work estimated. Additionally a 3400 yard stockpile needs to be moved and spread in this reclamation area.

---

### Reclamation Plan Performance Standard (End Use):

---

Open Space returned to 2:1 slopes or less. The wide MSHA standard mine roads will be returned to original narrower access country roads.

---

### Describe tasks, methods, equipment, etc.:

*Decompaction, cut, fill, haul, slope reduction, compaction, grading, topsoil placement, drainage work, soil amendments, special requirements, etc. Separate sheets may be used for each task if necessary.*

---

All mined areas will be graded to blend contours to original ground. Roads will be narrowed, ripped and smoothed for seeding.

---

### Provide quantities:

*Overburden and topsoil, cut and fill, import or export (cubic yards), area (acres), haul distances (feet), equipment production rates (cubic yards/hour, or as applicable), etc.*

---

East mine is 15,000 yards of smoothing earthwork. Haul distances are short 100 foot, and smoothing to remove sharp edge contour is objective, 3800 yards of topsoils requires haulage into the east mine and spreading

---

*(add additional pages as needed)*



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**VI. PRIMARY RECLAMATION ACTIVITY** ( Final grading East Mine ) (use multiple sheets as needed)  
 (Describe Reclamation Activity Being Estimated)

Acres:	40	Overburden (cy):	15,000
Haul Distance (ft):	2000	Topsoil (cy):	3500
Production Rate (cy/hr):	100		

Methods to be used:

A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
D5H R2 ripper	hr	89.14	80	7131.20
CAT 980 B Loader	hr	184.29	60	11057.49
3 axle truck	hr	93.59	24	2246.16

Total Equipment Cost for this Task = \$ 20,434.75

B. Labor – List all labor categories to complete identified task

Labor Category	\$/Hour (prevailing wage)	Labor Surcharge/Hr (where applicable) (enter % of wage)	# of Hours	Cost (\$)
Group 6 operator D5	91.49		80	7319.20
Group 8 operator CAT 980	91.60		60	5496.00
Group 6 operator truck	91.49		24	2195.76

Total Labor Cost for this Task = \$ 15,010.96

C. Materials – List all materials required to complete identified task

Item	\$/Unit	Sales tax (enter local rate in %)	Quantity	Cost (\$)

Total Materials Cost for this Task = \$ 0.00

D. Total Direct Cost for this Task

Equipment Costs + Labor Cost + Materials Cost = \$ 35,445.72

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**VII. REVEGETATION** *(use multiple sheets as needed)*

*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

**Current Site Condition:**

---

Reactivated mine, originally opened 1951, without much re-vegetation on the exposed volcanic perlite. The western mine is the primary mineral producer on 16 acres. This mine has increased the area of operation removing partially vegetated workings visible in the 1986 Google aerial photo.

---

**Reclamation Plan Performance Standard (End Use):**

---

Open space / range, vegetated

Standard is "The area shall be prepared and seeded with the native species similar to DWP site located 2 miles away. This mix is itemized below.

This DWP Mix will be validated by Rangeland Biologist report, accounted for in this FACE.

---

**Describe tasks:**

---

Utilize DWP Native Seed Mix below with hydroseed method:

4lbs per acre- Indian Rice grass  
4lbs per acre- big sage brush  
4lbs per acre- four-wing saltbrush  
2lbs per acre- shadescale  
4lbs per acre- bottlebrush squirreltail  
2lbs per acre rubber rabbit brush

---

*(add additional pages as needed)*

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**VII. REVEGETATION** (use multiple sheets as needed)

Methods to be used:

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
Trailer Mounted Hydroseeder rented for a month	hr	10.25	160	1640.00
Pick up Truck	hr	37.67	160	6017.60
Hydroseeder fuel / hr	gal	11.00	160	1496.00
pick up fuel @ 15 mpg	gal	5.50	150	825.00

Total Equipment Cost for this Task = \$ 9,978.60

- B. Labor – List all labor categories to complete identified task.

Labor Category	\$/Hour (prevailing wage)	Labor Surcharge/Hr (where applicable) (enter % of wage)	# of Hours	Cost (\$)
Labor Group 1	88.71		320	28387.20

Total Labor Cost for this Task = \$ 28,387.20

- C. Materials – List all materials required to complete identified task

Item/Plant Species	Unit of measure	\$/Unit	Sales tax (enter local rate in %)	Quantity	Cost (\$)
LA W&P seed mix	acre	374		90	33,660.00
straw wattles	feet	1.12	.09	4000	4838.40
stakes	bundles of 50	18.50	1.48	60	1198.80
tackifier lbs/ac	100	116.00	9.28	90	11,275.20
mulch lbs / ac	1000	410.00	32.80	90	39,852.00
fertilizer gal / ac	4	28.00	2.24	90	2721.60

Total Materials Cost for this Task = \$ 93,546.00

- D. Total Direct Cost for this Task

Equipment Costs + Labor Cost + Materials Cost = \$ 131,911.80

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### VIII. MISCELLANEOUS COSTS *(use multiple sheets as needed)*

*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

Examples of this type of cost may include temporary storage of equipment and materials off site, special one-time permits (i.e. transportation permits for extra wide overweight loads, etc.), decommissioning a process mill (i.e. decontamination of equipment), disposal of warehouse inventories, well abandonment, remediation of fueling and waste oil storage sites, septic system removal, costs to prepare closure and monitoring reports, site security, preserving potable water and maintaining utilities, etc.

Item / Task	Quantity	\$/Unit	Cost (\$)
Electric Service kwh	14,000	0.40	4600.00
Dump fees	85	24	2040.00
Trash fees	35	17	595.00
Rangeland Biologist Report	1	2000	2000.00
Salvage scrap value 1700 tons not taken = \$34,000	1700	0.00	0.00
Salvage value of mine equipment not taken = \$1.8 million	12	0.00	0.00
See valuation on mine equipment removal attached			
CHP Road Permit	1	1650	1650

Total Miscellaneous Costs = 11,885.00  
 \$

### IX. MONITORING COSTS

Monitoring Task	\$/Visit	# of Visits/Year	# of Monitoring Years	Cost (\$)
Final County Inspection	450.00	1		450.00
Final Slope Report, Geologist / Engineer	500	1		500.00
Revegetation Monitoring	500	1	3	1500.00
Final Biologist Revegetation Report	1500	1		1500.00

Total Monitoring Costs = \$ 3950.00

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### X. SUMMARY OF COSTS

This section shall be used to summarize all the cost sheets in one place.

(V) Total of all Plant Structures & Equipment Removal Costs	\$ 79,622.48
(VI) Total of all Primary Reclamation Activities Costs	\$ 80,125.32
(VII) Total of all Revegetation Costs	\$ 131,911.80
(VIII) Total of all Miscellaneous Costs	\$ 11,885.00
(IX) Total of all Monitoring Costs	\$ 3,950.00
<b>Total of Direct Costs</b>	<b>\$ 307,495.60</b>

### XI. Supervision / Profit & Overhead / Contingencies / Mobilization

(A) Supervision ( <u>5.00</u> %)	\$ 15,374.78
(B) Profit/Overhead ( <u>11.00</u> %)	\$ 33,824.52
(C) Contingencies ( <u>10.00</u> %)	\$ 30,749.56
(D) Mobilization ( <u>5.00</u> %)	\$ 15,374.78
<b>Total of Indirect Costs</b>	<b>\$ 95,323.64</b>
<b>Total of Direct and Indirect Costs</b>	<b>\$ 402,819.24</b>
(E) Lead Agency and/or Dept. of Conservation Administrative Costs	\$ 58,338.31 @ 12%
<b>Total Estimated Cost of Reclamation</b>	<b>\$ 451,157.54</b>

## FACE 2023 -Mine Equipment Removal Cost, Sales Value

American Perlite Mine, INYO County

California Mine ID #14-0014

### Statements of Qualifications

#### Craig Smith, Equipment Appraisals - Statement of Qualifications:

Over 40 years mining experience, Registered, Society of Mining Engineers. Craig was responsible for mine equipment fleets, maintenance, equipment replacement and major repairs. See Resume attached for this experience detail. Craig is a loader, backhoe and dozer operator, capable of field-testing equipment for mine performance evaluations. Craig owns, operates and maintains farm and construction equipment at the Family olive oil ranch in Arroyo Grande.

#### Sales Value Methodology

The American Perlite Mine Equipment is listed, and were photographed 2/8/2024 at the mine. Appraisal value for sale started with the American Perlite book value list. Craig than estimated resale value from Equipment Trader sales and followed this conclusion with consultations from dealers at Caterpillar, Komatsu and Powerscreen. American Perlite provided an estimation of transport cost to Bakersfield from experience. Craig accounted for transport cost to Bakersfield with Cal Trans latest Equipment Rental Rate publication and prevailing wage of Operating Engineers in INYO.

Craig Smith has seen the equipment in operation at the mine, and witnessed American Perlite good maintenance and operation activities. Craig Smith concludes the Mine Fleet equipment is newer, with complete maintenance and service records. All wear items viewed were in great shape. There is strong reliability and confidence in the estimations.

Appraisal value is discounted 25% for a conservative FACE estimation. No salvage value is taken in the FACE accounting. The accounting validates good value for the estimated removal transport costs at mine closure.

**Craig Smith**

1150 Connie Lane, Arroyo Grande, CA. 93420, 805-598-3105, craig.ss.smith@gmail.com

**Objective** Land improvement projects which can utilize my worldwide, professional geology, reclamation, environmental and sustainable farming experiences.

**Experience** 2008-Present, **Partner**, Melosira Land General Partnership, Orcutt, CA  
Geologic exploration, mineral reserve estimation and mine reclamation projects, with Tartaglia Engineering, and GEM Consulting Partners. Subdivision work, Farm & Ranch work advising clients on: soil & farm conservation plans, erosion control methods, water quantity, quality and infiltration improvements.

1992–2008 (Retired) **Director, Mine Planning**, World Minerals, Lompoc, CA.

- Responsible for 5 Year, Mine and Reclamation Plans for Worldwide Diatomite and Perlite Mineral processing company, working domestically and international.
- Bankable Mine Plans prepared for annual US & International mineral production of 1.2 Million tons, yearly material movement 9 million yards at 7 Diatomite Mines, 4 Perlite mines.
- Report annually mineral reserve, resources, & life of mines, waste rock - land filling plans, mine drainage plans, 5 year capital equipment investments, and maintain local reclamation reports.
- Responsible: maintain \$30M value of mineral reserves with exploration, Mining Budget \$22M annually, mine capital investment \$2-3M annually, restoration obligations updated annually, \$15M in financial assurance. Award winning Restoration programs.

1975–1992 **Chief Mine Engineer, Geologist**, Grefco Inc, Lompoc, CA.

- Responsible for long term Mine and Reclamation Plans for US Diatomite and Perlite Mineral processing company.
- Plans prepared for 5 mines annually, 400,000 tons, 2 million yards material movement per year in western states mining
- Developed new diatomite mine, Northern California, in sensitive environment, exceeding California RWCB storm water drainage requirements. Successful reclamation programs recognized.

1974 – 1975 **Geologist**, California Coastal Commission, Eureka, CA.  
Responsible for permitting, geology hazard recognition of development projects, California North Coast Region.

- Area covered Mendocino, Humboldt and Del Norte Counties.

**Education** 1969–1975 Humboldt State University, Arcata, CA

- BS Geology Humboldt State.
- Cal Poly SLO, Soil Science, and UCSB Geography

**Interests** Lone Oak Olive Oil, <http://loneoakoliveoil.com>, sustainable land development at family ranch, hiking and biking California coast, California mountains.



Attachment A

American Perlite Mine EQ Data

Equipment Name	Year	Hours	Mileage	Condition	2024 EQ Trader Market Value Average	FACE Value discounted 25%
CAT 980 wheeled Loader	2023	500		Excellent	\$ 450,000	\$ 337,500
Komatsu WAS00 Loader	2020	8005		Good	\$ 290,014	\$ 217,510
Komatsu 490 LC-11 Excavator	2019	4242		Good	\$ 313,700	\$ 235,275
Powerscreen premier Trac 300 Jaw Crusher	2019	6547		Good	\$ 270,000	\$ 202,500
Powerscreen 2200 Chieftain	2022	3412		Good	\$ 347,340	\$ 260,505
Cat Skid Steer C239D	2021	1412		Good	\$ 42,125	\$ 31,594
Ford F550 Service Truck	2010		333,134	Poor	\$ 10,000	\$ 3,750
Ford F250 4wd Pick up	2020		106,164	Good	\$ 8,500	\$ 6,375
Ford F150 4 wd Pick up	2013		153,741	Poor	\$ 4,000	\$ 3,000
CAT XQ 1140 Generator, 1000 KW	2021	2444		Excellent	\$ 645,000	\$ 483,750
2000 Gallon Fuel Tank	2020			Excellent	\$ 5,000	\$ 3,750
1000 Gallon Fuel Tank	2022			Excellent	\$ 2,000	\$ 1,500
						\$ 1,787,009
					cost to remove to Bakersfield	\$ 22,588.88

**Equipment Identification at the American Perlite Mine**  
**Photos with description below**



**2023 CAT 980 Loader**



**2010 Ford 550 Service Truck**



**2019 Komatsu 490 Excavator**

**Photos of Mine Equipment - 2**



**2019 Powerscreen Premier Trac 300 Jaw Crusher**



**2022 Powerscreen 2200 Chieftian**



**2013 Ford F150**

Photos of Mine Equipment – 3



2021 CAT Skid Steer



2020 Komatsu WA500 Loader



2020 Ford F250



Photos of Mine Equipment - 4



2000 - gallon fuel Pod



1000 - gallon fuel tank



CAT Generator



Robison Engineering Company, Inc  
 PO Box 1505  
 Sparks, NV 89432  
 +1 7758522251  
 accounting@robisoneng.com  
 www.robisoneng.com

# Proposal

**ADDRESS**

GEM Consulting Partners  
 1150 Connle Lane  
 Arroyo Grande, california  
 93420 usa

PROPOSAL # 8458

DATE 2024/02/20

RENG PROJECT NUMBER	PROPOSAL #	PROJECT TITLE
I-2706-01.001	8458	Perfite Hill UAS

ACTIVITY	QTY	RATE	AMOUNT
<p><b>Services:Lump Sum</b>                      Address: 3750 Fuller Rd, Big Pine, CA 93513                      Inyo County</p> <p>Project Description: Topographic mapping of the active working areas of the American Perfite mine.</p> <p>Note: this is a Fixed Price Proposal - Invoices will match the items in this estimato. If the nature of the project, scope of work, or additional Client requests exceed these tasks, such exceedance will be disclosed to Client and invoiced separately as Time and Materials actual charges.</p> <p><b>General:UAS Mapping</b>                      Project area defined by Client +/- 400 acres. Work products this Scope are: 1) 0.5 ft pixel resolution color orthophoto. 2) 2ft contour interval topography 3) Planimetry: 2d building footprints, hardscape, flowlines, trails, road edges and visible surface utility features. 4) Property boundary from record and found monuments within survey area, if any. Client warrants that it has authority to grant Consultant open access to airspace and launch sites.                      Native Coordinate System = California State Plane, Zone 4, NAD83, us survey foot, grid                      Native Datum = NAVD88 from NGS, NDOT or similar quality of elevation control</p> <p>Includes all costs for FAA licensed survey crew and data processing. Selected photogrammetric targets will be set with 1/2 inch rebar and survey control caps, or use existing survey control where available. See separate line for travel and production or special product costs.</p> <p>Flight may be delayed or cancelled due to weather or other ground condition rendering photogrammetry inappropriate.</p>	1	0.00	0.00
<p><b>Services:Senior Surveyor</b>                      Project review and coordination.</p>	2	200.00	400.00
<p><b>Services:Per Diem</b>                      Per Diem: GSA standard daily rate per www.gsa.gov/perdiem, per overnight</p>	2	140.00	280.00
<p><b>ODC Costs:ODC Costs</b>                      Other Direct Costs (ODC's) will be charged in accordance with our current fee schedule, including printing, vehicle mileage, equipment rental, and other costs incurred solely for the benefit of the project. Costs such as permit application fees are subject to 15% markup and may exceed this budget depending on jurisdiction, final project valuation, or other factors.</p>	1	600.00	600.00
<p><b>General:PM - Ryan Sigler</b>                      Your Project Manager, Ryan Sigler may be reached at 775-287-7083 or ryan@robisoneng.com</p>	1	0.00	0.00
<p><b>General:Schedule</b>                      Consultant availability to start work will be determined at the time of proposal acceptance and we will communicate any anticipated delays in commencing</p>	1	0.00	0.00

Thank you for your business -

Attachment A

ACTIVITY	QTY	RATE	AMOUNT
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work in accordance with the General Conditions of this Agreement. Following start of work, we anticipate submitting major work product(s) within approximately 4 weeks, except for circumstances (including client review and correspondence) outside of our control.

This Estimate constitutes a contract for professional services. If acceptable, please sign below and return to [accounting@robisonang.com](mailto:accounting@robisonang.com) or fax to 775-852-9736. Our standard payment terms are Net 15 Days from the date of Invoice, except for established corporate clients.

TOTAL

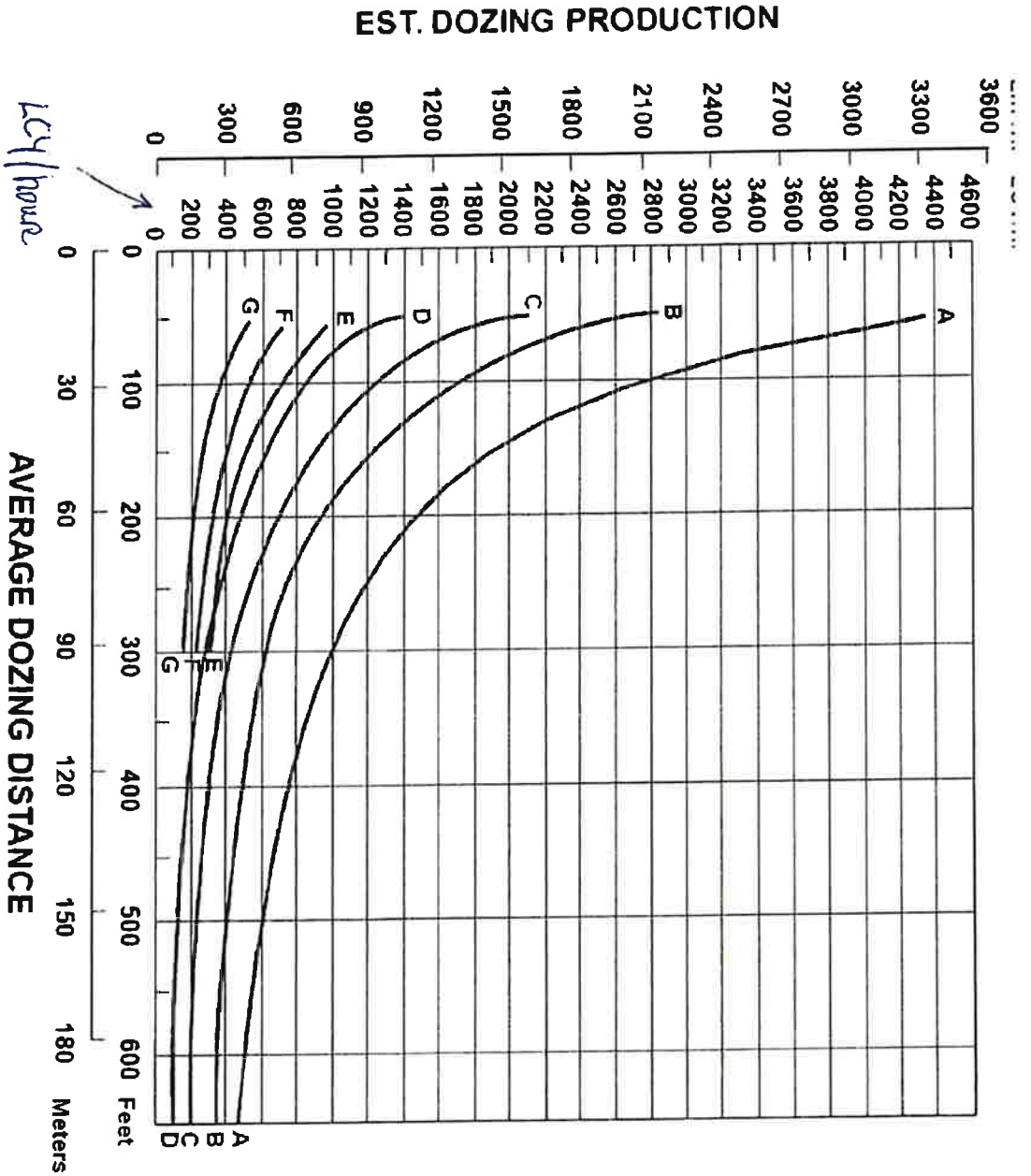
**\$9,600.00**

Accepted By

Accepted Date

Thank you for your business -





NOTE: This chart is based on numerous field studies made under varying job conditions. Refer to correct factors following these charts.

- KEY**
- A — D11R-11SU
  - B — D10R-10SU
  - C — D9R-9SU
  - D — D8R-8SU
  - E — D7R-7SU



Date: 2/19/24

Time: 11:48

# *Email*

SUNBELT RENTALS, INC.

Contract #.. 150615208

**To:** SMITH, CRAIG  
CRAIG.SS.SMITH@GMAIL.COM

**Company:** SMITH, CRAIG

**Message:**

**From:** KAILA CATIPON PC1602

**Location:** HEBER CITY UT PC1602

**Phone:** 435-654-4777

**Fax #:**



PC#: 1602  
 1495 S INDUSTRIAL PKWY  
 HEBER CITY, UT 84032 2264  
 435-854-4777

**SUNBELT RENTALS, INC.**  
 Salesman: 160201 WILLIAMS, JESSICA (

Typed By: KCATIPON

Job Site:  
 SMITH, CRAIG  
 ARROYO GRANDE  
 ARROYO GRANDE, CA 93420

C#: 805-598-3105 J#: 805-598-3105

Customer: CA R0514751  
 SMITH, CRAIG  
 ARROYO GRANDE  
 ARROYO GRANDE, CA 93420

**QUOTE**



Contract #.. 150615208  
 Contract dt. 2/19/24  
 Date out... 4/15/24 10:00 AM  
 Est return.. 5/13/24 10:00 AM  
 Job Loc..... ARROYO GRANDE  
 Job No.....  
 P.O. #..... QUOTE ONLY  
 Ordered By.. SMITH, CRAIG  
 NET DUE UPON RECEIPT

For operations in California: Customer is renting equipment registered under the California Air Resources Board (CARB) Portable Equipment Registration Program (PERP). The operator of the Equipment is subject to the requirements of the PERP regulation and local Air Pollution Control District rules. Under the PERP Regulation, the renter is required to keep a copy of the rental agreement and CARB registration certificate, including operating conditions and notification requirements, with the Equipment at all times. Customer must also complete the log provided with the Equipment as required by PERP and return the log with the Equipment (see www.arb.ca.gov/portable/portable.htm). By signing this Contract, the renter acknowledges receipt of these documents.

QTY	EQUIPMENT #	Min	Day	Week	4 Week	Amount
1.00	HYDROSEEDER, 400-600 GAL 0700125	195.00	215.00	525.00	1640.00	1640.00
SALES ITEMS:						
Qty	Item number	Unit	Price			
1	ENVIRONMENTAL 2133XXX000 ENVIRON/HAZMAT/DISPOSAL FEE RENTAL PROTECTION PLAN	EA	31.980	31.98		
				246.00		
QUOTE ONLY NO DELIVERY FEES YET				Sub-Total:	1917.98	
				Tax:	129.47	
				Total:	2047.45	

All amounts are in USD

IF THE EQUIPMENT DOES NOT WORK PROPERLY, NOTIFY THE OFFICE AT ONCE

MULTIPLE SHIFTS OR OVERTIME RATES MAY APPLY

CUSTOMER IS RESPONSIBLE FOR REFUELING, DAMAGES AND REPAIRS

- The total charges are an estimate based on the estimated rental period and other information provided by Customer.
- Customer assumes all risks associated with the Equipment during the Rental Period, including injury and damage to persons, property and the Equipment.
- Customer is responsible for and shall only permit properly trained, Authorized Individuals to use the Equipment.
- If the Equipment does not operate properly, is not suitable for Customer's intended use, does not have operating and safety instructions or Customer has any questions regarding use of the Equipment, Customer shall not use the Equipment and shall contact Sunbelt immediately.
- Equipment misuse or using damaged or malfunctioning Equipment may result in serious bodily injury or death and Customer agrees that Customer (i) assumes all risk associated thereunder, and (ii) indemnifies Sunbelt Entities for all claims or damages as a result of misuse or use of damaged or malfunctioning Equipment.
- Customer has received, read, understands and agrees to the estimated charges and all the terms on this page, plus all sections on the reverse side of this Contract ("Sections"), including Release and Indemnification in Section 8 and Environmental Fee in Section 16, which can also be found at [www.sunbeltrentals.com/rentalcontract](http://www.sunbeltrentals.com/rentalcontract). \*Delivery/Pickup Surcharge fee explanation is available at [www.sunbeltrentals.com/surcharge](http://www.sunbeltrentals.com/surcharge)
- Customer must contact Sunbelt to request pickup of Equipment, retain the Pick Up Number given by Sunbelt and will be responsible for Equipment until actually retrieved by Sunbelt.
- Customer waives its right to a jury trial in any dispute as set forth in Section 19.
- At the election of Sunbelt or Customer, Customer agrees to submit every dispute to arbitration and waives any right in filing a class action as set forth in Section 20.

Customer is declining Rental Protection Plan (see reverse side for details) \_\_\_\_\_ (Customer Initials)

Customer Signature \_\_\_\_\_ Date \_\_\_\_\_ Name Printed \_\_\_\_\_ Delivered By \_\_\_\_\_ Date \_\_\_\_\_

www.sunbeltrentals.com \*\* RENTQUOTE (Rev 02/28/22)



Great Basin Seed Company  
Ephraim, UT  
1-435-340-0322  
February 2, 2024

Phone quotation and discussion on native seeds, seeds per pound of below mix:

- 4lbs per acre- Indian Rice grass
- 4lbs per acre- big sage brush
- 4lbs per acre- four-wing saltbrush
- 2lbs per acre- shadescale
- 4lbs per acre- bottlebrush squirreltail
- 2lbs per acre rubber rabbit brush

Quote: \$374 per acre bulk pricing

Quotation and technical discussion with:



SHOP ALL SEED SHOP SEED BY CATEGORY ▾ SMALL GRAINS ▾ MERCHANDISE SALE ITEMS REQUEST



Lloyd Stevens: Founder | [nowman@haystackmtn.com](mailto:nowman@haystackmtn.com)

Our journey in the seed industry started with Lloyd. He started Maple Leaf Seed Company in 1976 with a few small bags of seed and a dream. He turned it into a thriving, influential and competitive business. Maple Leaf was highly influential during the CRP days of the early 80's (see page 22). Under the influence of his opportunistic eye, gregarious nature and entrepreneurial spirit, Maple Leaf has been a major contributor to agriculture, disturbed land reclamation and fire rehabilitation in the western USA for 45 years. He sold Maple Leaf to Jason, Eric and Heidi in 2015 and they combined Great Basin Seed and Maple Leaf into one business. Lloyd is enjoying partial retirement and still comes into the office to do business with his friends and share his talents with us. He is truly one of the godfathers of the native seed industry.



## MARY CHRISTIANSEN

Sales Representative, Great Basin Seed

✉ [mary@haystackmtn.com](mailto:mary@haystackmtn.com)

☎ 435-283-1411 Fax: 435-283-6872

📍 450 South 50 East  
Ephraim, Utah 84642

**craig.ss.smith@gmail.com**

---

**From:** Mary Christiansen <mary@haystackmtn.com>  
**Sent:** Friday, February 2, 2024 7:33 AM  
**To:** craig.ss.smith@gmail.com  
**Subject:** Re: Seed Quotation  
**Attachments:** GB Email Sig 2.pdf; Untitled attachment 00846.htm

Good Morning Craig,

Thank you for reaching out. We can provide that mix. Your bulk price for the mix is \$374.00 per acre.

Thanks

**From:** [Ryan Smith-Standridge](#)  
**To:** [Justin Clarke](#)  
**Cc:** [craig.ss.smith@gmail.com](mailto:craig.ss.smith@gmail.com); [Mark Sargent](#); [Austin Giguere](#); [Danny Stewart](#); [Tehauna Tiffany](#); [Tyson Sparrow](#); [Richard Medina](#); [Ann Logan](#); [Jacquelynn Fau](#); [Meehan, Claire@DOC](mailto:Meehan.Claire@DOC); [Michael Tovar](#); [Cathreen Richards](#); [Christian Milovich](#)  
**Subject:** RE: American Perlite FACE  
**Date:** Tuesday, March 5, 2024 10:33:00 AM  
**Attachments:** [incomplete application.pdf](#)

---

Dear Justin,

I hope this message finds you well. I wanted to inform you that the scheduled hearing has been postponed until April 24, 2024, due to the lack of a quorum. This provides you with additional time to complete all tasks required to clear the violations.

I highly recommend obtaining written confirmation from each relevant entity stating that the violations have been successfully cleared. This documentation will be crucial in ensuring a smooth resolution.

For your convenience, I have attached the incomplete letter that was mailed out yesterday. Please review it and make the necessary adjustments.

If you have any questions or concerns, please do not hesitate to reach out directly to me. Your prompt attention to this matter is greatly appreciated.

**From:** Justin Clarke <[justin@norcalperlite.com](mailto:justin@norcalperlite.com)>  
**Sent:** Wednesday, February 21, 2024 11:16 AM  
**To:** Ryan Smith-Standridge <[rstandridge@inyocounty.us](mailto:rstandridge@inyocounty.us)>  
**Cc:** [craig.ss.smith@gmail.com](mailto:craig.ss.smith@gmail.com); [Mark Sargent <mark@norcalperlite.com>](mailto:Mark.Sargent@norcalperlite.com); [Austin Giguere <austin@norcalperlite.com>](mailto:Austin.Giguere@norcalperlite.com); [Danny Stewart <danny@norcalperlite.com>](mailto:Danny.Stewart@norcalperlite.com); [Tehauna Tiffany <ttiffany@inyocounty.us>](mailto:Tehauna.Tiffany@inyocounty.us); [Tyson Sparrow <tsparrow@inyocounty.us>](mailto:Tyson.Sparrow@inyocounty.us); [Richard Medina <rmedina@inyocounty.us>](mailto:Richard.Medina@inyocounty.us); [Ann Logan <ann@gbuapcd.org>](mailto:Ann.Logan@gbuapcd.org); [Jacquelynn Fau <Jacquelynn.Fau@conservation.ca.gov>](mailto:Jacquelynn.Fau@conservation.ca.gov); [Meehan, Claire@DOC <Claire.Meehan@conservation.ca.gov>](mailto:Claire.Meehan@conservation.ca.gov); [Michael Tovar <Michael.Tovar@wildlife.ca.gov>](mailto:Michael.Tovar@wildlife.ca.gov); [Cathreen Richards <crichards@inyocounty.us>](mailto:Cathreen.Richards@inyocounty.us); [Christian Milovich <cmilovich@inyocounty.us>](mailto:Christian.Milovich@inyocounty.us)  
**Subject:** Re: American Perlite FACE

Tom and Ryan,

Below is the entire Great Basin Air Pollution Control District package submittal for today.

Look forward to seeing you today Tom!

Thanks!







**State of California**

**PUBLIC RESOURCES CODE**

**Section 2717**

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2717. (a) Notwithstanding Section 10231.5 of the Government Code, the board shall submit to the Legislature on December 1 of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. The report shall include a statement of the actions, including legislative recommendations, that are necessary to carry out more completely the purposes and requirements of this chapter.

(b) For purposes of ensuring compliance with Sections 10295.5 and 20676 of the Public Contract Code, the Division of Mine Reclamation shall, at a minimum, quarterly publish in the California Regulatory Notice Register, or otherwise make available upon request to the Department of General Services or any other state or local agency, a list identifying all surface mining operations subject to this chapter and Section 2207 that are reporting as newly permitted, active, or idle, for which all of the following apply:

- (1) A reclamation plan has been approved.
- (2) A financial assurance mechanism that is at least equal to the current approved financial assurance cost estimate, as described in Section 2736, has been approved.
- (3) A financial assurance cost estimate required under Section 2773.4 has been submitted, as indicated on a notice of completion of inspection submitted by the lead agency pursuant to subdivision (b) of Section 2774. Operators may also confirm submission of their annual financial assurance cost estimate as required by subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 2773.4 by providing a copy of the first page of the financial assurance cost estimate (FACE-1) form to the supervisor.
- (4) The annual report required under Section 2207 has been submitted.
- (5) All fees required under Section 2207, including all past-due fees, administrative penalties, and interest have been paid.
- (6) The operation is not out of compliance with an order to comply or stipulated order to comply.

(c) Notwithstanding paragraphs (1) and (2) of subdivision (b), surface mining operations for which an appeal is pending before the board pursuant to subdivision (e) of Section 2770, if the appeal was not pending before the board for more than 180 days, shall be included on the list published pursuant to subdivision (b).

(d) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(Amended by Stats. 2019, Ch. 497, Sec. 214. (AB 991) Effective January 1, 2020.)

**State of California**

**PUBLIC RESOURCES CODE**

**Section 2774.1**

---

2774.1. (a) (1) Except as provided in subdivision (i) of Section 2770, if the lead agency or the supervisor determines, based upon an annual inspection pursuant to Section 2774, or otherwise confirmed by an inspection of the surface mining operation, that a surface mining operation is not in compliance with this chapter, the lead agency or the supervisor may issue a notice of that violation to the operator by personal service or certified mail. If the lead agency issues the notice, the lead agency shall send a copy of the notice to the supervisor. The notice shall include both of the following:

- (A) A description of the violation.
- (B) Actions the operator shall take to correct the violation.

(2) (A) If a lead agency or the supervisor determines that the time to correct the noticed violation will exceed 30 days, the lead agency and the operator may enter into a stipulated order to comply, with notice sent to the supervisor. If the supervisor initiated the enforcement action, the supervisor, after consulting with the lead agency, may enter into a stipulated order to comply with the operator. The lead agency may, but need not, join the stipulated order with the supervisor.

(B) A stipulated order to comply shall include a schedule and time for compliance that the lead agency or the supervisor, as applicable, determines is reasonable after taking into account the actions and legal processes required to correct the violation.

(3) (A) If the operator does not comply with a notice issued pursuant to paragraph (1) within 30 days of being served the notice or commit to enter into a stipulated order to comply pursuant to paragraph (2) within 30 days of being served the notice, the lead agency or the supervisor may issue an order to comply by personal service or certified mail requiring the operator to comply with this chapter or, if the operator does not have an approved reclamation plan or financial assurances, cease all further surface mining activities. A lead agency shall, at the time of issuing an order to comply, provide a copy to the supervisor.

(B) An order to comply issued pursuant to this paragraph shall take effect 30 days following the service of the order to comply unless within those 30 days the operator appeals the order to comply and requests a hearing before the lead agency, if the lead agency issued the order, or the board, if the supervisor issued the order. An order to comply issued pursuant to this paragraph shall specify all of the following:

- (i) Which aspects of the surface mining operation are inconsistent with this chapter.
- (ii) A time for compliance that the lead agency or supervisor determines is reasonable, taking into account the seriousness of the alleged violation and any good faith efforts to comply with applicable requirements.

(iii) The actions and legal processes required to correct the alleged violation.

(C) An appeal filed pursuant to subparagraph (B) shall be noticed and heard at a public hearing within 45 days of the filing of the appeal or a longer period as may be mutually agreed upon by the operator and the lead agency, if the lead agency issued the order, or the operator and the supervisor, if the supervisor issued the order.

(b) [Reserved]

(c) An operator who violates or fails to comply with an order to comply issued under subdivision (a) after the order's effective date or who fails to submit a report or pay annual fees to the supervisor or lead agency as required by Section 2207, shall be subject to an order by the lead agency or the supervisor imposing an administrative penalty of not more than five thousand dollars (\$5,000) per day, assessed from the original date of noncompliance with this chapter, including Section 2207, or from the date of the inspection when the violation was identified, at the discretion of the issuer of the notice of that violation. The penalty may be imposed administratively by the lead agency or the supervisor. In determining the amount of the administrative penalty, the lead agency or the supervisor shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and any other matters justice may require. Orders setting administrative penalties shall become effective upon issuance of the assessment and payment shall be made to the lead agency or the supervisor within 30 days, unless the operator petitions the legislative body of the lead agency, the board, or the superior court for review as provided in Section 2774.2. An order shall be served by personal service or by certified mail upon the operator. Penalties collected by the supervisor shall not be used for purposes other than to cover the reasonable costs incurred by the department in implementing this chapter or Section 2207.

(d) (1) An operator who violates or fails to comply with an order to comply issued pursuant to paragraph (3) of subdivision (a) or a stipulated order to comply entered into pursuant to paragraph (2) of subdivision (a) after the order's effective date shall be removed from the list published by the Division of Mine Reclamation pursuant to subdivision (b) of Section 2717.

(2) If after a public hearing the board or lead agency denies an appeal by the operator pursuant to subparagraph (C) of paragraph (3) of subdivision (a), the operator shall be removed 10 working days following the denial of the appeal from the list published by the Division of Mine Reclamation pursuant to subdivision (b) of Section 2717.

(3) If the operator enters into a stipulated order to comply between the operator and the lead agency, if the lead agency issued the order, or the operator and the supervisor, if the supervisor issued the order, within 10 working days of the denial of the appeal and the stipulated order to comply is consistent with the order to comply upheld by the board or lead agency and includes a stipulated schedule for compliance, the operator shall remain on the list published by the Division of Mine Reclamation pursuant to subdivision (b) of Section 2717.

(4) Issuance of a notice pursuant to paragraph (1) of subdivision (a) or an order to comply or stipulated order to comply pursuant to paragraph (2) or (3) of subdivision (a) shall not disqualify an operator from eligibility for placement on the list published by the Division of Mine Reclamation pursuant to subdivision (b) of Section 2717, except in cases where an operator has failed to submit a financial assurance cost estimate to the lead agency or a financial assurance mechanism to the lead agency and supervisor, in accordance with Section 2773.4.

(e) If the lead agency or the supervisor determines that the surface mine is not in compliance with this chapter, so that the surface mine presents an imminent and substantial endangerment to the public health or the environment, the lead agency or the Attorney General, on behalf of the supervisor, may seek an order from a court of competent jurisdiction enjoining that operation.

(f) Upon a complaint by the supervisor, the department, or the board, the Attorney General may bring an action to recover administrative penalties under this section, and penalties under Section 2207, in any court of competent jurisdiction in this state against any person violating any provision of this chapter or Section 2207, or any regulation adopted pursuant to this chapter or Section 2207. The Attorney General may bring this action on his or her own initiative if, after examining the complaint and the evidence, he or she believes a violation has occurred. The Attorney General may also seek an order from a court of competent jurisdiction compelling the operator to comply with this chapter and Section 2207.

(g) (1) The lead agency has primary responsibility for enforcing this chapter and Section 2207. In cases where the board is not the lead agency pursuant to Section 2774.4, enforcement actions may be initiated by the supervisor pursuant to this section only after the violation has come to the attention of the supervisor and either of the following occurs:

(A) The lead agency has been notified by the supervisor in writing of the violation for at least 30 days, and has not taken appropriate enforcement action, which may include failing to issue an order to comply within a reasonable time after issuing a notice of violation.

(B) The supervisor determines that there is a violation that amounts to an imminent and substantial endangerment to the public health or safety, or to the environment.

(2) The supervisor shall comply with this section in initiating enforcement actions.

(h) Remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

(Amended by Stats. 2018, Ch. 349, Sec. 4. (AB 3257) Effective January 1, 2019.)

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Inyo County Planning Department  
168 North Edwards Street  
Post Office Drawer L  
Independence, California 93526  
Attn: Ryan Standridge, Associate Planner

Date: 2024-05-30

**SUBJECT: American Perlite Mine  
Big Pine Reclamation and CUP  
Stipulation Document-Rev3**

**RENG Project #  
1-2749-01.003**

Dear Ms. Standridge,

Thank you for your swift review of the Stipulation Document draft, dated April 30<sup>th</sup>, 2024. Attached is a revised draft which encompasses the comments received on May 7<sup>th</sup>, 2024, and the comments from Great Basin Unified Air Pollution Control District. If there are any other comments or questions, I am happy to amend this document as needed. We look forward to working together with Inyo County to get the American Perlite Mine in compliance.

Please do not hesitate to contact me if you have any questions or would like additional information.

Sincerely,  
ROBISON ENGINEERING COMPANY

Julianne Zotter, PE  
775-852-2251 x710  
[julianne@robisoneng.com](mailto:julianne@robisoneng.com)

Attachments:  
1- Stipulation Document



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**American Perlite Mine – Stipulation Revision 3  
for Continued Operation while under CUP review**

**American Perlite Current Operations**

In order to maintain the business and continue to support the local economy American Perlite will continue to run the mining operations at Big Pine Mine by extracting 50,000 mined / screened tons shipped of perlite by traditional benched open face mining methods, using an excavator to extract perlite and cast to blending benches below. This activity mixes the ore for uniform quality feed to the crushing/screen system. The overall benched slope operation is used to extract safely, meeting MSHA standards. Reclamation grading will return the benched west slopes to a minimum 2:1 slope. In the meantime, current bench slopes have been reduced from their former steepness to proper bench slopes. Fines are covered with waste rock overburden to uncover good expanding perlite. This prevents dust from blowing off the stockpiles each day. All traffic and mine areas are watered frequently to keep the dust down. Water is supplied by an offsite well, located at 2100 Fish Springs Rd., Big Pine, CA 93513. Approximately 300,000 gallons per month are used from this well on a regular basis. The mine employes 15 local employees, purchases 150,000 gallons of diesel annually from the local fueling station, and further supports the local economy through the use of local services.

**Achieving Compliance**

We understand American Perlite has been out of compliance on numerous issues. In order to rectify that, we have outlined a step-by-step plan, organized by resource, to achieve compliance and progress to a Conditional Use Permit approval within Inyo County. The following outlines the requirements we plan to meet, in the order presented in the March 4, 2024 Incomplete Application letter from the Inyo County Planning Department.

1. **Initial Deposit Payment:** American Perlite will remit \$5120.00 by 6/10/2024
2. **Lot Line Adjustment:** Robison Engineering Company, Inc. (RENG) has been hired to perform the Lot Line Adjustment (Parcel Merger) to merge the three subject parcels (APNs 18-350-17, 18-350-06, and 18-350-05) into one parcel in order to meet the CUP requirements. This work is expected to take four to six weeks; therefore, we expect an application to be submitted in July 2024.
3. **Original Applications with Wet Signatures:** Once work has been completed to achieve the necessary baseline studies, all applications will be submitted to Inyo County in hard copy with wet signatures.
4. **Corrected Statement of Responsibility Form:** American Perlite will submit a notarized Statement of Responsibility, noting Austin Giguere as the site contact by 6/10/2024.
5. **Provide Current Recorded Deed or Preliminary Title Report for all Parcels:** A title report has been ordered from Chicago Title company and is expected to be delivered 5/25/2024. Upon receipt, the title report will be shared with Inyo County.
6. **CEQA Studies:** CEQA requires state and local public agencies to identify the significant environmental impacts of their actions, and to avoid or mitigate those impacts where possible. CEQA serves to: Inform decision-makers and the public about potential impacts to the environment; Prevent or reduce environmental impacts; Promote inter-agency

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cooperation; Encourage public participation in the process, and Disclose public agency decisions. To this end, the following studies and efforts will be conducted to assess the cumulative impacts of the mine in the area. Projected timelines for each study are included.

- a. *Aesthetic* – Visibility studies will be conducted from multiple viewpoints including the 395 Highway corridor, the neighboring properties, and from the multiuse recreational area of the nearby eastern Sierra front. These studies can begin immediately, and we expect to complete them by August of 2024.
- b. *Biological Resources* – Baseline vegetation studies will begin as soon as possible to take advantage of the spring blooming season. This data will be compared to the vegetation diversity and cover currently found on the mine site to project the reclamation efforts required to achieve revegetation. Vegetation test plots will be planted in the late fall/early winter to begin testing what reclamation species work best in this particular environment. Baseline wildlife studies will be conducted to analyze the local fish and wildlife and what impacts the mine may present. Evidence of threatened and endangered species will be noted and reported. The baseline vegetation studies are scheduled for June of 2024, and we expect to have a full report by early July 2024. The wildlife studies will have to be scheduled for late fall given that terrestrial wildlife will be headed for summer range soon, and the high water during the spring melt will interfere with fish studies. Fish and wildlife study reports can be expected to be completed by November 2024.
- c. *Geology and Soils* – At a minimum, the following items will be addressed: topography, physiography, geology & geologic hazards (faults, landslide, seismic), soils (types & properties), surface water, groundwater and stormwater. A report will be completed by both GEM Consulting and Robison Engineering and is expected to be submitted by August 2024.
- d. *Hydrology and Water Quality* – Because of the complexity, environmental impact, and access and rights issues of using surface water from the nearby Fuller Creek, American Perlite will install a groundwater well onsite to supply water needed for mining operations. The use of the water will be industrial only (not potable) and will be permitted through the Inyo County Environmental Health Department. American Perlite has contacted Bruce MacKay Pump & Well Service, Inc. to engage in getting a well bid by 5/20/2024. Dust, erosion, and runoff from the mine can impact surface water quality of nearby creeks and streams. Surface water sampling will be performed on a regular basis to ensure healthy levels of turbidity, total dissolved solids, total suspended solids, metals, oils, pH, oxygen levels, TCLP, and PCBs are all maintained. Water samples will be taken from at least three locations: upstream, a point source where the most likely runoff from mining operations occurs, and downstream. If Inyo County Environmental Health requires specific constituents to be tested, or specific locations to be sampled, please inform RENG, and we will be happy to comply. Water testing can begin immediately and continue as long as a statistically significant consistent “clean bill of health” is achieved. After this is achieved, random sampling will be performed to ensure that the water quality is being maintained.
- e. *Noise* – Drilling, blasting, dozer operations, and haul trucks can produce noise heard by nearby residents, recreational enthusiasts, and others. While blasting is



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utilized at many world-wide perlite mines to break rock out of the ground, this method is not employed at American Perlite. A noise study will be conducted during normal operations, measuring noise levels from adjacent properties, the nearest neighbors, and the nearby campground. Inyo County Parks and Rec may be involved in this portion. This work can begin immediately, and a report can be prepared by mid-July 2024. Depending on where the nearest neighbors are, public hearings may be required.

- f. *Recreation* – American Perlite sits at the base of the Eastern Sierra front, which serves many outdoor enthusiasts. While the mine itself is not located in a recreational area, the access road is a shared county road, and the mine can be seen from most directions (see item a.). A transportation study (item k.) is planned for the area to ensure that mine traffic is not cumulatively impacting the use of the county road. Again, depending on the amount of public concern, public hearings may be required.
- g. *Utility and Service Systems* – American Perlite is located on privately owned parcels and plans to source mine water from an onsite well (see item d.). Costco bottled drinking water is supplied to the employees, and portable toilets are supplied onsite and serviced by Preferred Septic out of Bishop, CA. No other impacts to utilities and services are expected.
- h. *Agricultural and forestry* – The mine site is surrounded by agricultural fields, open grazing, and forestry land. Consequently, the use of shared roads, creation of dust and noise, and use of groundwater may have cumulative effects on the agricultural and forestry uses nearby. These effects will be analyzed with the concurrent studies discussed in this document herein.
- i. *Cultural Resources* – Prehistoric and historic archeological studies and surveys will be conducted to ensure there is no impact to any cultural resources in the area. These studies will include a search of the National Register and a CEQA significance evaluation. These studies will begin as soon as possible with the help of an outside consultant; scheduling has yet to be determined.
- j. *Greenhouse Gas Emissions* – American Perlite is a relatively small mining operation with the use of three service and pickup trucks, two wheeled loaders, one excavator, one jaw crusher, one chieftain conveyor, one skid steer, and one generator. A desktop study of the greenhouse gases emitted by these machines, as well as commuter traffic will be conducted, and a report can be expected by mid-July 2024.
- k. *Transportation* – The mine is accessed by the use of Fuller Road, which is an Inyo County road. A traffic study will be conducted by a subcontracted Transportation Engineer on the access route to analyze the cumulative impacts the mine trucks have on the local road system. The bridge over Fuller Creek will also be analyzed to ensure it is safe to run large hauling trucks across it as frequently as they have been running. Repairing or replacement of the bridge may be an option moving forward. Inyo County Parks and Rec may be involved in this portion of the study. Scheduling the Transportation Engineer has yet to be secured, and therefore a report timeline is to be determined.
- l. *Wildfire* – Besides the use of internal combustion engines, there are minimal causes for wildfire at the American Perlite site. All vehicles and pieces of

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- equipment are furnished with spark arrestor technology and current on maintenance. Smoking is not allowed onsite, and there are no welding or other fire-starting activities performed at the mine.
- m. *Air Quality* – Dust has been a major concern at the mine site. Recently the use of water trucks has increased to ensure dust is not created with vehicle traffic. Additionally, the stockpiles of fines are routinely buried with overburden material. These efforts have made drastic improvements in the air quality both on and off the mine site. As mentioned in item j, Greenhouse gas emissions will be studied for this site. American Perlite shall adhere to the written mitigation plan approved by Great Basin Unified Air Pollution Control District. This plan outlines specific steps aimed at reducing dust emissions, including:
- i. Regular and frequent use of water trucks.
  - ii. Covering existing stockpiles of fines with overburden material.
  - iii. Establishing a new waste dust storage area that is covered with overburden material daily.
  - iv. Removal of fines material and maintenance of road base in and around the processing plant.
  - v. Utilization of sprayers on processing equipment.
  - vi. Storing finished material within a wind tent.
- n. *Hazards and Hazardous Materials* – American Perlite does not store any significant quantities of hazardous materials onsite. Used oil is hauled offsite by US Oil Disposal. There are two fuel tanks onsite: one 2000 gallon and one 1000 gallon tank. These will be stored on proper double containment concrete pads to ensure no contamination will occur in the event of a spill or release. Until the containment structure is built, daily and monthly visual inspections are mandatory for release prevention.
- o. *Mineral Resources* – Obviously, American Perlite operations revolve around the extraction of minerals at this site. Under The California Statutes and Regulations for the Division of Mine Reclamation, Chapter 9, Article 1, §2711 (f), "The Legislature further finds that the state's mineral resources are vital, finite, and important natural resources, and the responsible protection and development of these mineral resources is vital to a sustainable California. (Amended by Stats. 2011, Ch. 218, Sec. 1. Effective January 1, 2012). American Perlite's extraction of Perlite minerals supports this legislation by developing this mineral resource.
- p. *Tribal Cultural Resources* – The archeological studies performed under item i. will identify any historical or prehistoric tribal resources. Additionally, we will reach out to the local Big Pine Paiute Shoshone Reservation for information on the area and any impact on tribal cultural resources.
7. **Revised Maps:** Mining plan and reclamation plan maps will be prepared by GEM Consulting with the current topographical maps prepared and stamped by a licensed professional surveyor from RENG. These can be expected to be delivered by August 2024.
8. **Reclamation Plan Content Checklist:** GEM Consulting will complete and submit the Reclamation Plan Content Checklist by August 2024.
9. **Surface Mining Text Operating Outline:** GEM Consulting will provide a detailed Surface Mining Text Operating Outline by August 2024, or sooner.

Attachment C

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**775-852-2251**  
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We understand the Inyo County Planning and Environmental Health Departments, as well as the California Department of Conservation will be actively involved in the review process. Requests for additional information are welcome. RENG plans to work closely with Inyo County regulators to ensure this mine is brought up to code and in compliance.

**Attachment D**  
Agreement to Stipulated Order

Between: Inyo County  
168 N. Edwards  
Independence, CA 93526

And: American Perlite Corp  
Justin Clarke  
2605 Goodrick Ave  
Richmond, CA 94801

This agreement summarizes the mutual understanding between American Perlite Corp and the County of Inyo regarding the compliance of American Perlite Corp, operator of American Perlite Pit Mine, with Reclamation Plan No. 1990-02 and the Surface Mining and Reclamation Act as follows:

1. The Operator shall submit an initial deposit payment. American Perlite Corp will remit \$5,420.00 by June 10, 2024, for the required conditional use permit (CUP), amendment to the Reclamation Plan, and parcel merger.
2. The Operator shall submit an application for parcel merger by August 1, 2024. The Operator has mined within the 50-foot setback required by zoning; therefore, the Operator will need to merge the parcels to process the conditional use permit. The Operator has hired Robison Engineering Company, Inc. (RENG) to perform the parcel merger to merge the three subject parcels (APNs 18-350-17, 18-350-06, and 18-350-05). This work is expected to take four to six weeks; RENG anticipates submitting an application by July 2024.
- 3 The Operator shall submit a notarized Statement of Responsibility, with a copy of the Articles of Incorporation and noting Austin Giguere as the site contact by July 10, 2024.
4. The Operator shall provide a current recorded deed or preliminary title report for all parcels by August 1, 2024. A title report has been ordered from Chicago Title Company and is expected to be delivered by May 25, 2024. Upon receipt, the title report will be shared with Inyo County.
5. The Operator shall use qualified consultants to prepare the CEQA studies. CEQA requires state and local public agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts where possible. RENG has been hired to facilitate the CEQA studies and anticipates their completion by November 2024. The Operator shall submit the finalized study by January 1, 2025.

**Attachment D**  
Agreement to Stipulated Order

6. Once work has been completed to achieve the necessary baseline studies, all applications will be submitted to Inyo County in hard copy with wet signatures.
7. Mining plan and reclamation plan maps will be prepared by GEM Consulting with current maps including topographic information prepared and stamped by a licensed professional surveyor from RENG. These can be expected to be delivered by August 2024. Should any of the CEQA studies require mitigations that affect the mining plan, changes shall be made by GEM Consulting and resubmitted by January 1, 2025.
8. The Operator shall submit a surface mining text operating outline. Should any of the CEQA studies require mitigations that affect the mining plan, changes shall be made by GEM Consulting and resubmitted by January 1, 2025.
9. GEM Consulting will complete and submit the reclamation plan checklist by August 2024. Any revisions to the reclamation plan text shall be resubmitted by January 1, 2025.

This Stipulated Order shall be effective and binding with American Perlite Corp upon the date the Planning Commission enters the order.

This Stipulated Order may be executed and delivered in counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterpart shall together constitute one document.

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Planning Commission Chair Date

---

Vice President American Perlite Corp. Date

**RESOLUTION NO. 2024-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING THE  
STIPULATED ORDER BETWEEN INYO COUNTY AND THE  
AMERICAN PERLITE PIT MINE FOR COMPLIANCE WITH  
RECLAMATION PLAN 1990-02 AND THE SURFACE  
MINING AND RECLAMATION ACT**

**WHEREAS**, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 7.70.020, has designated the Planning Commission to serve as the approving board for Mining Conditional Use Permits and Reclamation Plans; and

**WHEREAS**, the Reclamation Plan (REC) for the American Perlite Pit Mine (No. 91-14-0014) was approved by the Inyo County Planning Commission on September 26, 1990 and pertains to the project site located at Fuller Road, Big Pine, CA (APN 18-350-05, 18-350-06, 018-350-05); and

**WHEREAS**, the American Perlite Corporation ("Operator") has been operating under REC 90-2 since the date of approval, subject to the Surface Mining and Reclamation Act of 1975 ("SMARA"); and

**WHEREAS**, REC 90-2, allows for the excavation and processing of perlite material, from 500 tons/month to a maximum 50,000 tons/year; and

**WHEREAS**, a Notice of Violation ("NOV") of the Reclamation Plan was served to the Operator by mail and email on January 11, 2024, which listed the following violations: (1) Failure to provide annual operating reports; (2) Failure to provide Financial Assurance Cost Estimate (FACE); (3) disturbance exceeded the 5.4 acres as approved by the reclamation plan; (4) placement of an office building without obtaining a building permit; and, (5)impeding a roadway not associated with the mine; and

**WHEREAS**, in the NOV, the Operator was informed that to correct the violations, it was required to do the following: (1) submit payment to Department of Mine Reclamation (DMR) for the 2022 annual report fees and provide Inyo County with 2020, 2021, 2022 annual operating reports; (2) submit a Financial Assurance Cost Estimate to Inyo County; (3) submit an application to the County of Inyo to modify the Reclamation Plan and apply for a conditional use permit to include the area that was mined outside of the permitted boundaries. The compliance date for the NOV was set for February 12, 2024; and

**WHEREAS**, the State of California's Office of Mine Reclamation periodically publishes a list of mines regulated under SMARA that meet provisions set forth under Public Resources Code ("PRC) § 2717(b) ("AB 3098 list"); and,

**WHEREAS**, the Operator desires to be eligible for the AB 3098 list so it can continue to sell mined materials to state and/or local agencies; and

**WHEREAS**, the Stipulated Order is required in order for the Operator to remain eligible for the AB 3098 list; and

**WHEREAS**, the approval of the Stipulated Order is exempt from the California Environmental Quality Act, pursuant to 15321 Enforcement Action by Regulatory Agencies. However, any subsequent updates to the reclamation plan and the conditional use permit will be subject to CEQA review.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that based on all of the written and oral comment and input received at the June 26, 2024 hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings for the proposed project:

### **FINDINGS**

1. The recitals above are incorporated herein as findings.
2. The Stipulated Order is exempt from the California Environmental Quality Act pursuant to 15321 of the CEQA Guidelines Enforcement Action by Regulatory Agencies. However, any subsequent updates to the reclamation plan and the conditional use permit will be subject to CEQA review.
3. During an annual surface mine inspection, staff observed that the operator's mining activities were occurring outside of the permitted boundary, which violated the regulations of both the approved Reclamation Plan and SMARA.
4. A Notice of Violation was issued to the operator, requesting compliance within 30 days. In response, the operator submitted an incomplete application to amend the violation. Staff determined that compliance could not be completed within 30 days and requested the matter be taken to the Planning Commission to issue a Stipulated Order.
5. The violation places the mine operation at risk of being removed from the AB 3098 list published by the Office of Mine Reclamation, which allows mine operators to sell mined materials to state and/or local agencies.
6. The Stipulated Order, with compliance in progress, will allow the American Perlite mine to remain on the AB 3098 list.
7. The June 24<sup>th</sup>, 2024 public hearing has been properly noticed and published. The Notice of the date of this hearing was posted in the June 11, 2024, Inyo Register and made available on the Planning Department website.

**BE IT FURTHER RESOLVED** that the Inyo County Planning Commission has considered the above action and hereby **APPROVES** the Stipulation Agreement and adopts the Stipulated Order with the following required actions.

### **REQUIRED ACTIONS**



Attachment E

1. The Planning Commission mandates that American Perlite must enter into the attached Stipulation Agreement. This Agreement shall be binding upon the date the Planning Commission enters the Order.
2. The Stipulation Agreement may be executed and delivered in counterparts. Each counterpart, when executed and delivered, shall be considered an original. Together, these counterparts will constitute one document.
3. If the operator violates or fails to comply with the attached Stipulation Agreement, they shall be subject to an administrative penalty of up to five thousand dollars (\$5,000) per day. This penalty will be assessed from either the original date of noncompliance as specified in Public Resource Code §2774.1(3)(C)(c), including Section 2207, or from the date of the inspection when the violation was identified, at the discretion of the issuer of the notice of the violation.
4. The penalty may be imposed administratively by the lead agency (Inyo County). In determining the amount of the administrative penalty, the lead agency shall consider the nature, circumstances, extent, and gravity of the violation(s), any prior history of violations, the degree of culpability, economic savings resulting from the violation, and any other matters justice may require.

APPROVED this 26th day of June 2024, by the following vote of the Inyo County Planning Commission:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Todd Vogel, Chair  
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By \_\_\_\_\_  
Sally Faircloth,  
Secretary of the Commission

**RESOLUTION NO. 2024-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
COUNTY OF INYO, STATE OF CALIFORNIA, APPROVING THE  
STIPULATED ORDER BETWEEN INYO COUNTY AND THE  
AMERICAN PERLITE PIT MINE FOR COMPLIANCE WITH  
RECLAMATION PLAN 1990-02 AND THE SURFACE  
MINING AND RECLAMATION ACT**

**WHEREAS**, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 7.70.020, has designated the Planning Commission to serve as the approving board for Mining Conditional Use Permits and Reclamation Plans; and

**WHEREAS**, the Reclamation Plan (REC) for the American Perlite Pit Mine (No. 91-14-0014) was approved by the Inyo County Planning Commission on September 26, 1990 and pertains to the project site located at Fuller Road, Big Pine, CA (APN 18-350-05, 18-350-06, 018-350-05); and

**WHEREAS**, the American Perlite Corporation ("Operator") has been operating under REC 90-2 since the date of approval, subject to the Surface Mining and Reclamation Act of 1975 ("SMARA"); and

**WHEREAS**, REC 90-2, allows for the excavation and processing of perlite material, from 500 tons/month to a maximum 50,000 tons/year; and

**WHEREAS**, a Notice of Violation ("NOV") of the Reclamation Plan was served to the Operator by mail and email on January 11, 2024, which listed the following violations: (1) Failure to provide annual operating reports; (2) Failure to provide Financial Assurance Cost Estimate (FACE); (3) disturbance exceeded the 5.4 acres as approved by the reclamation plan; (4) placement of an office building without obtaining a building permit; and, (5)impeding a roadway not associated with the mine; and

**WHEREAS**, in the NOV, the Operator was informed that to correct the violations, it was required to do the following: (1) submit payment to Department of Mine Reclamation (DMR) for the 2022 annual report fees and provide Inyo County with 2020, 2021, 2022 annual operating reports; (2) submit a Financial Assurance Cost Estimate to Inyo County; (3) submit an application to the County of Inyo to modify the Reclamation Plan and apply for a conditional use permit to include the area that was mined outside of the permitted boundaries. The compliance date for the NOV was set for February 12, 2024; and

**WHEREAS**, the State of California's Office of Mine Reclamation periodically publishes a list of mines regulated under SMARA that meet provisions set forth under Public Resources Code ("PRC") § 2717(b) ("AB 3098 list"); and,

**WHEREAS**, the Operator desires to be eligible for the AB 3098 list so it can continue to sell mined materials to state and/or local agencies; and

**WHEREAS**, the Stipulated Order is required in order for the Operator to remain eligible for the AB 3098 list; and

**WHEREAS**, the approval of the Stipulated Order is exempt from the California Environmental Quality Act, pursuant to 15321 Enforcement Action by Regulatory Agencies. However, any subsequent updates to the reclamation plan and the conditional use permit will be subject to CEQA review.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that based on all of the written and oral comment and input received at the June 26, 2024 hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings for the proposed project:

### **FINDINGS**

1. The recitals above are incorporated herein as findings.
2. The Stipulated Order is exempt from the California Environmental Quality Act pursuant to 15321 of the CEQA Guidelines Enforcement Action by Regulatory Agencies. However, any subsequent updates to the reclamation plan and the conditional use permit will be subject to CEQA review.
3. During an annual surface mine inspection, staff observed that the operator's mining activities were occurring outside of the permitted boundary, which violated the regulations of both the approved Reclamation Plan and SMARA.
4. A Notice of Violation was issued to the operator, requesting compliance within 30 days. In response, the operator submitted an incomplete application to amend the violation. Staff determined that compliance could not be completed within 30 days and requested the matter be taken to the Planning Commission to issue a Stipulated Order.
5. The violation places the mine operation at risk of being removed from the AB 3098 list published by the Office of Mine Reclamation, which allows mine operators to sell mined materials to state and/or local agencies.
6. The Stipulated Order, with compliance in progress, will allow the American Perlite mine to remain on the AB 3098 list.
7. The June 24<sup>th</sup>, 2024 public hearing has been properly noticed and published. The Notice of the date of this hearing was posted in the June 11, 2024, Inyo Register and made available on the Planning Department website.

**BE IT FURTHER RESOLVED** that the Inyo County Planning Commission has considered the above action and hereby APPROVES the Stipulation Agreement and adopts the Stipulated Order with the following required actions.

### **REQUIRED ACTIONS**

1. The Planning Commission mandates that American Perlite must enter into the attached Stipulation Agreement. This Agreement shall be binding upon the date the Planning Commission enters the Order.
2. The Stipulation Agreement may be executed and delivered in counterparts. Each counterpart, when executed and delivered, shall be considered an original. Together, these counterparts will constitute one document.
3. If the operator violates or fails to comply with the attached Stipulation Agreement, they shall be subject to an administrative penalty of up to five thousand dollars (\$5,000) per day. This penalty will be assessed from either the original date of noncompliance as specified in Public Resource Code §2774.1(3)(C)(c), including Section 2207, or from the date of the inspection when the violation was identified, at the discretion of the issuer of the notice of the violation.
4. The penalty may be imposed administratively by the lead agency (Inyo County). In determining the amount of the administrative penalty, the lead agency shall consider the nature, circumstances, extent, and gravity of the violation(s), any prior history of violations, the degree of culpability, economic savings resulting from the violation, and any other matters justice may require.

APPROVED this 26th day of June 2024, by the following vote of the Inyo County Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Todd Vogel, Chair  
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By \_\_\_\_\_  
Sally Faircloth,  
Secretary of the Commission



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**AGENDA ITEM NO**

**6 (Action Item – Public Hearing)**

**PLANNING COMMISSION**  
**MEETING DATE:**

**June 26, 2024**

**SUBJECT:**

**Zone Text Amendment (ZTA) No. 2024-02/Inyo County-Mobile Food Facilities**

**EXECUTIVE SUMMARY**

Staff has drafted a proposed ordinance to add Chapter 18.61 – Mobile Food Facilities and amend Sections 18.44 – Central Business, 18.48 – Highway Services and Tourist Commercial, and 18.54 – Commercial Recreation, of the Inyo County Code to allow for Mobile Food Facilities on Private Property. The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3) and 15268 – Ministerial Projects.

**PROJECT INFORMATION**

**Supervisory District:** County-wide

**Applicants:** Inyo County

**Landowners:** Multiple  
**Address/**

**Community:** County-wide

**A.P.N.:** County-wide

**Existing General Plan:** N/A

**Existing Zoning:** N/A

**Surrounding Land Use:** N/A

**Recommended Action:** **Adopt the attached Resolution, recommending that the Board of Supervisors:**

- 1.) Find the proposed project exempt from the requirements of the California Environmental Quality Act.
- 2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA-2024-02/ Mobile Food Facilities

**Alternatives:**

- 1.) Recommend modifications to the proposal.
- 2.) Recommend denial.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:**

Cathreen Richards

**BACKGROUND**

In late 2023 and early 2024 the County Public Works department found that several people were using county parks to set up mobile businesses to sell goods. This is not an allowed use on County property and the activity brought about a conversation regarding these businesses on a more comprehensive scale. As part of this conversation, the appropriateness of allowing mobile food facilities on private land was also discussed. As a result of this discussion, the Planning Department was asked to research and prepare a draft mobile food facility ordinance. A desire for this use in the County's communities is frequently expressed along with descriptions of the lack of brick-and-mortar based restaurants. The desire for them was made even more apparent during mandatory indoor restaurant closures brought about by the Covid pandemic. At this time, the County relaxed its regulations prohibiting outdoor seating and due to the comments received from the public during this time, the regulations were permanently changed to allow for outdoor seating an accessory use to food service establishments. This in turn brings up the question as to why the County still does not allow for mobile food facilities without a conditional use permit.

**ANALYSIS**

Staff has reviewed the County's Commercial zones and found that the Central Business (CB), Highway Services and Tourist (C2) and Commercial Recreation (C5) allow for food and beverage services, but restrict all outdoor business activities, primarily by requiring a conditional use permit to conduct them. Planning staff frequently has to inform people that if they want to have a mobile food facility business, they have to get a conditional use permit. In most cases, this results in either lost interest or mobile food facility businesses without CUPs.

Inyo County with its sunny climate, beautiful views, towns with low populations and tourist-based economies, is a perfect place for mobile food facilities. They can be a way to provide food services without requiring a sit-down restaurant in an established brick and mortar facility, which can decrease the costs of establishing a food service business and allow for more food options in the County's small towns.

Mobile food facility vendors, even without conditional use permit requirements, have a lot of regulatory hurdles. Per the County Environmental Health Department:

- Mobile food facilities include, but are not limited to the following:
  1. Motorized ice cream facilities
  2. Motorized produce facilities
  3. Hot dog carts, Tamale carts, and other types of pushcarts
  4. Mobile food preparation units (hot food facilities)
  5. Stationary mobile food preparation units
  6. Single Operating Site Mobile Food Facilities
- The construction and operation of all Mobile Food Facilities (MFF) and Mobile Support Units (MSU) are required to comply with the applicable sections of the California Retail Food Code (CRFC).
- The Environmental Health Department of the County of Inyo initially approves all MFF and MSU in Inyo County as complying with the provisions of the state law and may require reapproval if deemed necessary.
  - After the MFF or MSU is approved to operate, the operator may not make modifications to the facility or unit without the approval of the Environmental Health Department.
- Additionally, for example, if the MFF is occupied and has 110-volt electrical, plumbing, gas appliances and equipment, or a mechanical generator or compressor, it must have a certification insignia issued by the CA Department of Housing and Community Development (HCD).

In short, the Environmental Health Department ensures these facilities can serve safe foods through a plan check, inspections, and the annual permitting process. The Department of Housing and Community Development checks to make sure that the owner has met construction standards and that the operators have safe facilities.

Since mobile food facilities are highly regulated by the Health and Safety Code, planning staff does not think that the additional requirement for a CUP should be necessary for mobile food facilities to operate in the County. There is, however, the potential for mobile food facilities to create some level of nuisance to the properties surrounding them and staff has prepared an ordinance to address these potential nuisances. These include:

- Off-street parking requirements of 2 spaces. These spaces cannot be reserved or designated to satisfy the parking requirements of other businesses.



- On properties adjacent to a residential zone, the mobile food facility and any associated outdoor seating must be 10-feet from the property boundary.
- Outdoor seating areas may be provided to serve patrons of the Mobile Food Facility. All seating areas shall be removed prior to the close of business each day. The seating shall be located in an area of the site that is not landscaped, reserved, or designated to satisfy the off-street parking of other businesses and shall not obstruct any pedestrian or vehicular traffic.
- Outdoor furniture of any kind shall remain in safe working order to provide safety to the general public and stored appropriately during non-operational hours.
- At no time shall the configuration of the Mobile Food Facility be located as to encourage or place patrons/pedestrians within access aisles, emergency accesses and/or ingress/egress locations.
- A restriction on hours of operation of 9:00pm and 7:00am.
- Required refuse and recycling containers shall be provided on site and exclusively for the site during all hours of mobile food facility operations including for the proper handling and disposal of fats, oils and grease. All refuse containers shall be collected and removed prior to closure each day.
- No overnight parking of mobile food facilities shall be permitted on the site.
- All lighting will have to conform to Inyo County Code 18.74 - Outdoor Lighting.
- All signage shall comply with Inyo County Code 18.75 - Signs
- Each mobile food facility vendor will be required to obtain all required state and county licenses and permits including encroachment permits where required. They will also have to have the property owner's permission to operate on the property.

Enforcing these regulations would be pursuant to Inyo County Code Title 22 and be treated like any other code violation.

## **FINDINGS**

### General Plan Consistency

ZTA 2024-02 – Adds Chapter 18.61/Mobile Food Facilities on Private Property to the Inyo County Code to allow for mobile food facilities in the Central Business, Highway Services and Tourist Commercial, and the Commercial Recreation zones. This will not change the currently allowed underlying commercial uses of food and beverage services but offers a different way to serve food and beverages.

### Zoning Ordinance Consistency

ZTA 2024-02 is consistent with the Inyo County Zoning code as adding Chapter 18.61/Mobile Food Facilities on Private Property to allow for mobile food facilities in the Central Business, Highway Services and Tourist Commercial, and the Commercial Recreation zones does not discontinue or expand the number of allowed commercial uses within the zoning designations but offers a different way to serve food and beverages. The current allowed uses will remain consistent with the use requirements of Title 18.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project is a proposal to add a chapter to the County Code to allow mobile food facilities in zoning districts that already allow for food and beverage service, restaurants and eating establishments. This will not change the currently allowed underlying commercial uses of food and beverage services but offers a different way to serve food and beverages. Subsequent projects will be Exempt pursuant to CEQA guidelines 15268 – Ministerial Projects

## **RECOMMENDATIONS**

Staff recommends the Planning Commission adopt the attached resolution recommending the Board of Supervisors consider ZTA 2024-02, make certain findings, and adopt the proposed ordinance adding 18.61/Mobile Food Facilities on Private Property.

### Recommended Findings

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3)  
*[Evidence: ZTA 2024-02 – the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project is a proposal to add a chapter to the County Code to allow mobile food facilities in zoning districts that already allow for food and beverage service, restaurants and eating establishments. Subsequent projects will be exempt pursuant to CEQA Guidelines 15268-Ministerial Projects.]*
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.  
*[Evidence: ZTA 2024-02 – is consistent with the Inyo County General Plan as this use will not change the current underlying commercial uses, or their relationship to accompanying commercial uses per the General Plan but offers a different way to serve food and beverages. This change also does not allow for new or expanded uses or development.]*
3. Based on substantial evidence in the record, the proposed Zoning Ordinance to amend ICC 18.44 is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.  
*[Evidence: ZTA 2024-02 is consistent with the Inyo County Zoning code as adding Chapter 18.61/Mobile Food Facilities on Private Property to allow for mobile food facilities in the Central Business, Highway Services and Tourist*

*Commercial, and the Commercial Recreation zones does not discontinue or expand the allowed commercial uses within the zoning designations but offers a different way to serve food and beverages. The current allowed uses will remain consistent with the use requirements of Title 18.]*

**ATTACHMENTS**

- A. Resolution
- B. Draft proposed ordinance



**RESOLUTION NO. 2024-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING  
THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED  
PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKE CERTAIN  
FINDINGS WITH RESPECT TO AND APPROVE ZONE TEXT  
AMENDMENT NO. 2024-02 INYO COUNTY**

WHEREAS, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA as this is a proposal to add a chapter to the County Code to allow mobile food facilities in zoning districts that already allow for food and beverage services. It does not expand or change the underlying commercial uses, but offers a different way to serve food and beverages and, subsequent projects will be Exempt pursuant to CEQA guidelines 15268 – Ministerial Projects; and

WHEREAS, the Inyo County Planning Commission held a duly noticed public hearing on June 26, 2024, to review and consider a request for approval of Zone Text Amendment No. 2024-02, and considered the staff report for the project and all oral and written comments regarding the proposal; and

WHEREAS, ICC Section 18.03.020 states in part that it is necessary for the zoning ordinance to be consistent with the General Plan; and

WHEREAS, the approval of ZTA 2024-02 is consistent with the Inyo County General Plan as it will result in updates to allow for Mobile Food Facilities on private property in the Central Business, Highway Services and Tourist Commercial, and the Commercial Recreation zones and ensure consistency throughout the pertinent portions of the Inyo County Code with regard to Mobile Food Facilities. This will not change the currently allowed underlying commercial uses of food and beverage services, but offers a different way to serve food and beverages; and

WHEREAS, ZTA 2024-02 is consistent with the Inyo County Zoning code as adding Chapter 18.61/Mobile Food Facilities on Private Property to allow for mobile food facilities in the Central Business, Highway Services and Tourist Commercial, and the

Commercial Recreation zones, and adjusting other portions of the ICC to ensure internal consistency throughout the Code, does not discontinue or expand the allowed commercial uses within the zoning designations. It does not expand or change the underlying commercial uses but offers a different way to serve food and beverages. The currently allowed uses will remain consistent with the use requirements of Title 18.

THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the June 26, 2024, hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

### **RECOMMENDED FINDINGS**

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project is a proposal to add a chapter to the County Code to allow mobile food facilities in zoning districts that already allow for food and beverage services, restaurants and eating establishments. It does not expand or change these underlying commercial uses but offers a different way to serve food and beverages. Subsequent projects will be Exempt pursuant to CEQA guidelines 15268 – Ministerial Projects.
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan as will result in updates to allow for mobile food facilities on private property in the Central Business, Highway Services and Tourist Commercial, and the Commercial Recreation zones. This use will not change the current underlying commercial uses, or their relationship to accompanying commercial uses per the General Plan but offers a different way to serve food and beverages.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with Title 7 and Title 18 (Zoning Ordinance) of the Inyo County Code as adding Chapter 18.61/Mobile Food Facilities on Private Property to allow for mobile food facilities in the Central Business, Highway Services and Tourist Commercial, and the Commercial Recreation zones does not discontinue or expand the allowed commercial uses within the zoning designations, but offers a different way to serve food and beverages. The current allowed uses will remain consistent with the use requirements of Title 18.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

**RECOMMENDED ACTIONS**

1. Approve the Amendments to Title 7 and Title 18 related to Mobile Food Facilities on private property based on all the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 24<sup>th</sup> day of June 26, 2024, by the following vote of the Inyo County Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Todd Vogel, Chair  
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By \_\_\_\_\_  
Sally Faircloth, Secretary of the Commission





**AN ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS ADDING  
CHAPTER 18.61 MOBILE FOOD FACILITIES AND SUBSECTIONS 18.44.020 X,  
18.48.020 Q, AND 18.54.020 K TO THE INYO COUNTY CODE PERTAINING TO  
ZONING REQUIREMENTS FOR MOBILE FOOD FACILITIES**

**WHEREAS**, Title 18 of the Inyo County Code (ICC) sets forth zoning requirements within the unincorporated area of the County; and

**WHEREAS**, in late 2023 and early 2024, the Inyo County Public Works Department found that vendors were operating Mobile Food Facilities in County parks, which is not allowed under the County's current code; and

**WHEREAS**, as part of the conversation regarding vendors in County parks, the concept of Mobile Food Facilities operating on private land in certain zoning districts as a by-right use was discussed by the Inyo County Board of Supervisors and resulted in it requesting the Planning Department research and prepare a draft ordinance addressing Mobile Food Facilities on private property; and

**WHEREAS**, staff has ascertained that the operation of Mobile Food Facilities as an allowable, by-right use is desirable based on the positive feedback from the community in response to the County's expanded permittance of outdoor seating for restaurants, which occurred during the Covid-19 Pandemic and was made permanent afterwards; and

**WHEREAS**, including the operation of Mobile Food Facilities as a permitted used within certain zones throughout the unincorporated area of the County may bring more food options to the smaller communities within the County; and

**WHEREAS**, staff now proposes to add Chapter 18.61 to the Inyo County Code related to Mobile Food Facilities and update Sections 18.44.020, 18.48.020 and 18.54.020 to allow for Mobile Food Facilities when operated in compliance with Chapter 18.61; and

**WHEREAS**, the Inyo County Planning Commission held a duly noticed public hearing to consider the proposal to allow for Mobile Food Facilities in the Central Business, Highway Service and Tourist Commercial and the Commercial Recreations zones with regard to consistency with the Inyo County Zoning Code, General Plan, and the California Environmental Quality Act (CEQA), concurred with staff recommendations, and approved a resolution recommending approval by the Board of Supervisors; and

**WHEREAS**, the adoption of this ordinance and subsequent projects subject to it, are Exempt pursuant to CEQA Guidelines 15061(b)(3) the General Rule and 15268 Ministerial Projects.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO ORDAINS AS FOLLOWS:**

**SECTION I.** All recitals above are incorporated herein as findings.

**SECTION II.** Chapter 18.61 shall be added to the Inyo County Code to read as follows:

**Chapter 18.61 - Mobile Food Facilities on Private Property**

**18.61.010 – Purpose and Application**

**18.61.020 – Definitions**

**18.61.030 – General Requirements**

**18.61.040 – Violations and Penalties**

**18.61.010 – Purpose and Application**

- A. The purpose of this Chapter is to regulate Mobile Food Facilities on private property located throughout the unincorporated area of the County in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment within appropriate areas of Inyo County.
- B. The provisions of this ordinance apply to Mobile Food Facilities that operate on any single premises for any duration of time.

**18.61.020 – Definitions**

- A. “Mobile Food Facility” means a vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility or other approved source to the consumer as defined by Health and Safety Code Section 113932.
- B. “Land Owner” shall mean the holder of fee title to real property, whether a person, partnership, corporation or other entity recognized by law, and his/her/its lessees, permittees, assignees or successors in interest.
- C. “Permitted Mobile Food Facility Site” shall mean the real property on which the Mobile Food Facility is permitted to operate pursuant to this Chapter and Chapter 7 of the Inyo County Code.

**18.61.030 – General Requirements**

Mobile Food Facilities, may operate on private properties, pursuant to the following standards and conditions:

- A. The Mobile Food Facility shall obtain all required permits, including but not limited to, those required by Inyo County Environmental Health and shall, in the process of obtaining those permits, submit to Inyo County Environmental Health, the written permission of the Land Owner and lessee (if applicable) to operate a Mobile Food Facility on the Permitted Mobile Food Facility Site.

- B. The Permitted Mobile Food Facility Site shall be in the Central Business (CB), Highway Service and Tourist Commercial (C2), or Commercial Recreation (C5) zones.
- C. A minimum of two off-street parking spaces shall be provided for each Mobile Food Facility. These spaces cannot be marked as reserved for or dedicated to other businesses.
- D. If the property on which the Mobile Food Facility is stationed is adjacent to a residential zone, the Mobile Food Facility and any associated outdoor seating shall be 10-feet from the property boundary.
- E. Outdoor seating areas may be provided to serve patrons of the Mobile Food Facility. All seating areas shall be removed prior to the close of business each day. The seating shall be located in an area of the site that is not landscaped, reserved, or designated to satisfy the off-street parking of other businesses and shall not obstruct any pedestrian or vehicular traffic.
- F. Outdoor furniture of any kind shall remain in safe working order so as to provide safety to the general public and stored appropriately during non-operational hours.
- G. At no time shall the configuration of the Mobile Food Facility be located to encourage or place patrons/pedestrians within access aisles, emergency accesses and/or ingress/egress locations.
- H. Mobile Food Facilities shall not operate between the hours of 9:00pm and 7:00am.
- I. Mobile Food Facilities shall provide and manage separate refuse and recycling containers on site during all hours of operation, including for the proper handling of fats, oils, and grease. All refuse and recycling shall be collected and removed prior to closure of the Mobile Food Facility operations daily.
- J. All waste discharges are to be done at the designated commissary/food preparation site and not offsite.
- K. No overnight parking of Mobile Food Facilities shall be allowed on or around the Permitted Mobile Food Facility Site.
- L. All lighting shall conform to Inyo County Code 18.74 - Outdoor Lighting.
- M. All signage shall conform to Inyo County Code 18.75 - Signs
- N. Each Mobile Food Facility shall obtain all required state and County licenses and permits including but not limited to environmental health certifications or encroachment permits where required. All necessary permits and certifications shall be conspicuously posted on the Mobile Food Facility.
- O. Mobile Food Facilities shall comply with all applicable federal, state, and local laws and regulations including but not limited to the California Health and Safety Code, California Retail Food Code and Chapter 7 of the Inyo County Code.

#### **18.61.040 – Violations and Penalties**

- A. It shall be unlawful to install or operate any Mobile Food Facility on private property in violation of this Chapter. Any person violating any provisions of this Chapter may be subject to the provisions of the Inyo County Code Title 22. In addition, Mobile Food

Facilities operated or maintained in violation of the provisions of this Chapter, or any other applicable federal, state or local law or regulation, may be declared to be a public nuisance subject to the procedures set forth in Inyo County Code Title 22. Such remedies are in addition to and may be sought or imposed concurrently with any other remedy provided by law, regulation or ordinance.

**SECTION III.** Section 18.44.020 of the Inyo County Code is amended by adding the following section X:

**18.44.020 Principal Permitted Uses**

X. Mobile Food Facilities when operated in compliance with Chapter 18.61 and Chapter 7 of the Inyo County Code.

**SECTION IV.** Section 18.48.020 of the Inyo County Code is amended by adding the following section Q:

**18.44.020 Principal Permitted Uses**

Q. Mobile Food Facilities when operated in compliance with Chapter 18.61 and Chapter 7 of the Inyo County Code.

**SECTION V:** Section 18.54.020 of the Inyo County Code is amended by adding the following section K:

**18.44.020 Principal Permitted Uses**

K. Mobile Food Facilities when operated in compliance with Chapter 18.61 and Chapter 7 of the Inyo County Code.

**SECTION VI.** Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

**SECTION VII.** Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Supervisors voting for and against same.

**PASSED AND ADOPTED** this XXXX by the following vote of the Inyo County Board of Supervisors:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST:     Nate Greenberg  
              Clerk to the Board

By: \_\_\_\_\_  
      Darcy Ellis, Assistant