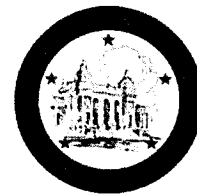


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.27
(ID # 11663)

MEETING DATE:

Tuesday, February 11, 2020

FROM: TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA):

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY: REINTRODUCTION OF ORDINANCE NO. 555.20 amending Ordinance No. 555, the Ordinance of the County of Riverside Implementing the Surface Mining and Reclamation Act of 1975 ("SMARA"), in its entirety and replacing it with new language that updates procedures, establishes fee amounts, and ensures consistency with state law; CEQA Exempt – All Districts. [\$0 Total]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive the attached Mine Administrative Fee Nexus Study report and findings;
2. Find Ordinance No. 555.20 exempt from CEQA pursuant to CEQA Guidelines sections 15273 and 15061(b)(3);
3. Reintroduce, Read Title, and Waive further Reading of, and Adopt on successive weeks, Ordinance No. 555.20, an ordinance of the County of Riverside amending Ordinance No. 555 in its entirety and replacing it with language that updates procedures, establishes fee amounts, and ensures consistency with state law;
4. Adopt Board of Supervisors Policy No. B-35 establishing Guidelines For Processing Surface Mining Permits For New And Significantly Expanded Surface Mining Operations; and

ACTION:Policy

Juan Ochoa, Director of Transportation & Land Management 2/4/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance No. 555.20 is approved as re-introduced with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: February 11, 2020
xc: TLMA, COB

Kecia R. Harper
Clerk of the Board

By:
Deputy

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5. Set the effective date for Board of Supervisors Policy No. B-35 to the same effective date as Ordinance No. 555.20.

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|-------------------------|-----------------------------|--------------------------|-------------------------------|---------------------|
| COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| SOURCE OF FUNDS: | | | Budget Adjustment: No | |
| | | | For Fiscal Year: 19/20 | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The State of California enacted the Surface Mining and Reclamation Act ("SMARA") in 1975 to address the need for a continuing supply of mineral resources, to prevent or minimize the negative impacts of surface mining and to ensure mined lands are reclaimed to a usable condition. Over the years since its enactment, SMARA has been subject to piecemeal changes by the State. Accordingly, pursuant to item 3-35 on November 4, 2014, the Board of Supervisors initiated an amendment to Ordinance No. 555 to update the County's regulations implementing SMARA. Further changes have continued being made to SMARA since that time, including AB 1142 and SB 209, introduced in 2015, which sought to modernize the statute and address inconsistencies that had developed over the years. Those bills were adopted, and the changes effectuated by those bills went into effect on January 1, 2017. Ordinance No. 555.20 further implements those changes.

Riverside County is the local lead agency responsible for enforcement of SMARA for all mining operations located within the unincorporated area as well as mining operations located on public land managed by the Bureau of Land Management and material pits owned and operated by County Transportation. The County has oversight responsibility for 48 mines. Pursuant to SMARA regulations, the County is required to oversee and manage a variety of mining-related activities associated with the individual mining operations as well as collectively through administration of the County's mining program (i.e. Ordinance revisions, General Plan Mineral Resource policies and amendments, staff training, etc.).

Through 2017, TLMA worked with the mining industry to review and incorporate the changes in State Law into our master mining ordinance (Ordinance No. 555). A prior version of Ordinance No. 555.20 was presented to the Board on September 18, 2018 (item 3.19), which was reviewed and approved by the Auditor-Controller's Office. The mining industry expressed concerns with components of the ordinance change, and the item was continued off calendar to allow staff to make further revisions.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Ordinance No. 555 has not been substantially amended since 1995, and portions of it need to be updated to reflect SMARA's new and amended provisions, updated administrative processing procedures, as well as fees reflecting the County's actual costs in implementing SMARA. SMARA provides for collection of mine inspection fees as well as fees for program administration. Public Resources Code section 2207(e) provides that the lead agency may impose a fee upon each mining operation to cover the reasonable costs incurred in implementing SMARA. However, Ordinance No. 555 currently provides for collection of inspection fees, but not administrative fees. Hence, although the County has been collecting mine inspection fees from its mine operators, it has not collected administrative fees and, thus, has been supplementing its mining program administration through the General Fund.

The attached Fee Nexus Study analyzes fees currently collected by the County for its role as SMARA lead agency and identifies the need for a mining program administrative fee. Addition of the administrative fee to the County's fee structure will make its mining program whole without dependence on the General Fund and would bring the County's financial aspects of its mining program in line with SMARA regulations. Based on the Fee Nexus Study, it is recommended that the initial annual mine administrative fee amount be \$2,000.00. The proposed mine administrative fee falls within Government Code section 66014 because it is an administrative fee authorized by SMARA in Public Resources Code section 2207.5(e).

SMARA addresses the need for a continuing supply of mineral resources and the importance of promoting the development of such resources. At the same time, SMARA and Ordinance No. 555 also seek to minimize or prevent the negative impacts of surface mining and ensure mined lands are reclaimed to a usable condition. Operational impacts can include additional wear and tear on our County roads that serve mining operations. In recognition of this, TLMA staff is proposing that we include a Road Impact Assessment component to new or significantly expanded surface mining operations that includes a per tonnage fee assessment. There is also the option, at the surface mining operator's discretion, to instead enter into a negotiated Development Agreement to offset these impacts instead of paying the Road Impact Assessment. The proposed Policy B-35 sets forth further information regarding the Road Impact Assessment or Development Agreement approach.

In drafting the proposed changes, County staff sent a draft of Ordinance No. 555.20 to the California Construction and Industrial Materials Association ("CalCIMA") for review and comment. County staff had ongoing discussions with CalCIMA and incorporated several of their proposed changes into the processing aspects of the policy. CalCIMA does continue to oppose the provisions contained in Policy B-35 which would require payment of a Road Impact Assessment or entering into a Development Agreement. We do note that the Cities of Corona and Lake Elsinore have a similar equivalent per tonnage fee in place.

In accordance with Ordinance No. 555 Section 7, applicants for a new Permit, or a Revised Permit that qualifies as a Significantly Expanded Surface Mining Operation, shall select one of the following: (1) Submit an application for a development agreement, which would then be

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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processed in accordance with all applicable provisions, and laws relating to development agreements and must be approved concurrently with such new Permit or Revised Permit; or (2) Agree to a condition of approval requiring compliance with the Road Impact Assessment as set forth in Policy B-35 and Ordinance No. 555. The selection between these two options is at the discretion of the applicant.

While a large number of changes are proposed to be made to Ordinance No. 555, the California Environmental Quality Act ("CEQA") does not apply to Ordinance No. 555.20 or Board Policy and/or Ordinance No. 555.20 is exempt from CEQA for multiple reasons. First, ordinances that merely incorporate existing law do not constitute a project under CEQA. (*Union of Medical Marijuana Patients, Inc. v. City of Upland* (2016) 245 Cal.App.4th 1265, 1273.) In addition, organizational and/or administrative activities of government entities, such as the reorganization, formatting, addition of introductory explanation to the ordinance, and changes to administrative processing and application requirements do not constitute a project under CEQA pursuant to State CEQA Guidelines section 15378. The establishment and/or modification of fees charged by public agencies is statutorily exempt from CEQA pursuant to State CEQA Guidelines section 15273. The establishment of the annual mine administrative fee and the changes to the amounts of the other fees meet the requirements of this exemption because they are being established and/or modified for the purpose of meeting actual County operating expenses in processing applications, carrying out mine inspections, reviewing appeals, and carrying out duties under SMARA. Finally, Ordinance No. 555.20 is exempt pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendment to Ordinance No. 555 may have a significant effect on the environment. The proposed amendments are merely allowing the County to ensure the full costs of applications and mine inspections and other work relating to proposed and existing mines are being paid for by applicants and operators rather than from the County General Fund. The proposed amendments are also merely making administrative and organizational changes in the ordinance and its administration and processing requirements. Finally, the vast majority of the changes are merely incorporating existing state law pursuant to the various changes to SMARA that have been enacted since 1995. As a result, adoption of Ordinance No. 555.20 is exempt from CEQA and does not have the potential for causing a significant impact on the environment.

Impact on Residents and Businesses

This proposed Ordinance Amendment and Policy seeks to appropriately balance the continuing need for mining operations while implementing an enhanced approach to reduce impacts from new or expanded mines in our communities.

Additional Fiscal Information

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The changes proposed in Ordinance No. 555 and Board Policy B-35 allow the County to fully recover costs for operation of our mining program. They also provide a mechanism for the County to collect a Road Impact Assessment, or enter into a Development Agreement, which is consistent with assessments charged by some other jurisdictions that have surface mining operations.

ATTACHMENTS:

Attachment A. Proposed Ordinance No. 555.20, as revised and reintroduced

Attachment B: Redline showing changes from Ordinance No. 555.19

Attachment C: Fee Nexus Study

Attachment D: Board of Supervisors Policy B-35



Jason Farin, Senior Management Analyst

2/6/2020

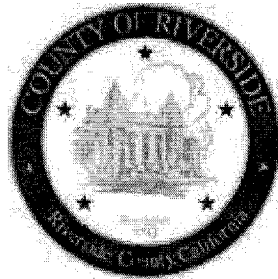


Gregory H. Priamos, Director County Counsel

2/5/2020

**Fee Nexus Study
Riverside County
SMARA Mine Inspection, Reporting
And Administration Program**

PREPARED FOR:



**County of Riverside
Transportation and Land Management Agency (TLMA)
4080 Lemon Street, 14th Floor
Riverside, CA 92501**

PREPARED and SUBMITTED BY:

EnviroMINE Inc.

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(619) 284-8515 FAX: (619) 284-0115

revised - February 21, 2017

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| Table 7.3 | SMARA Program Costs |

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| Attachment A. | Estimated Costs - Training and Equipment |
| Attachment B. | Summary Spreadsheet – Lead Agency Programs |

**Fee Nexus Study of the Riverside County
SMARA Mine Inspection, Reporting
And Administration Program**

1.0 Scope of Work

EnviroMINE, Inc. (EnviroMINE) was contracted by the County of Riverside (County) to conduct a fee nexus study of the County's program for implementing the requirements of the Surface Mining and Reclamation Act of 1975 (SMARA). Per the County's direction, the purpose of this study was to ensure the County collected adequate funding from the mining operations under their jurisdiction to fund its SMARA Program. As part of the work to be completed, EnviroMINE was asked to review County fees and expenses associated with the SMARA program for administration, conducting annual inspections, staff training and equipment. Other SMARA Lead Agencies in California were also to be contacted in an attempt to determine how each program is structured and to inquire about fees that are charged for their SMARA programs. This information was to be compared with data collected from the County in order to establish an appropriate fee recommendation for the overall administration of the County's SMARA Program.

Riverside County designated certain lead agencies to be contacted and named three specific Counties, two Cities and the State Mining and Geology Board. EnviroMINE was to select additional jurisdictions to evaluate.

The agencies initially contacted included:

- The State Mining and Geology Board
- Alameda County
- Orange County
- Sacramento County
- San Bernardino County
- San Diego County
- Sonoma County
- City of Lake Elsinore
- City of Corona
- City of Irwindale

EnviroMINE also interviewed Riverside County staff members involved with the SMARA program to discuss their responsibilities, training and processes within the program. Individuals interviewed were in the Departments of Planning, Building & Safety, Transportation, Accounting and County Counsel.

2.0 Background - California Surface Mining and Reclamation Act of 1975

The State of California enacted the Surface Mining and Reclamation Act (SMARA) in 1975 to address the need for a continuing supply of mineral resources, to prevent or minimize the negative impacts of surface mining and to ensure mined lands are reclaimed to a usable condition. It is jointly administered at the State level by the

Department of Conservation's (DOC) Division of Mine Reclamation (DMR) and the State Mining & Geology Board (SMGB). It is implemented locally by cities and counties which are referred to as lead agencies. There are 113 Lead Agencies in the State; and, the Act has been amended 30 times since its enactment, including the 2016 amendments.

SMARA took effect on January 1, 1976 and provides for a tiered approach to accomplish its administration and enforcement. The primary entity responsible for the SMARA's enforcement is the local lead agency (city or county and, in some cases, the SMGB) where the surface mines operate. SMARA prescribes specific powers and responsibilities to a lead agency for assuring that all surface mine operations within its jurisdiction are in full compliance with the Act. These powers and responsibilities include:

- Adoption of SMARA Ordinance;
- Issue Permits (exclusive to Cities and Counties);
- Recognize Vested Rights (where appropriate);
- Approve Reclamation Plans and Financial Assurances;
- Conduct Annual Compliance Inspections;
- Issue Annual Inspection Reports
- Enforce SMARA requirements as necessary;
- Communications with the SMGB and DMR
- Establishment of Mineral Resource Conservation Policies

Should a lead agency fail in its responsibility to manage the SMARA program according to these requirements, SMARA establishes a procedure for the SMGB to assume the lead agency duties.

Specific responsibilities of the SMGB are to:

- Adopt regulations relating to SMARA;
- Interpret laws and issues guidelines;
- Oversee Mineral Classification and Designation;
- Approve local mining ordinances;
- Comment on General Plan Elements; and
- May take over SMARA Lead Agency authority.

In its role to interpret laws, the SMGB also serves as an appeal board for certain disagreements between the lead agencies and operators. These appeals may include:

- Inaction by local lead agencies in the review and approval of reclamation plans and financial assurances;
- Denial of mining permit applications in areas of regional or statewide significance; and
- Review of enforcement orders issued by the Department of Conservation or SMGB staff.

SMARA also provides specific responsibilities and powers to the Director of the DOC as administered by the DMR. Specific responsibilities of the SMGB are:

- Record keeping for all surface mining operations in the state;
- Technical review of reclamation plans and financial assurances;
- Release of the financial assurance following reclamation;
- Enforcement, including:
 - Authority to inspect mining operations;
 - Can take direct enforcement action against mines after 30 days notice if city or county is lead agency or at will if SMGB is the lead agency;
 - Removal of mines from AB 3098 list;
 - Oversight of local lead agencies; and
 - Can recommend SMGB takeover.

3.0 Lead Agency Interviews

Ten SMARA lead agencies, including the SMGB, were contacted in the September – October period of 2014 in an attempt to identify fee structures, staffing structure and organization of their SMARA program. In addition, the number of mine operations within that jurisdiction was determined. Following are the summary of responses from each lead agency.

Many of the agencies did not have budget or cost information easily available or the responder did not have the time available to track it down. Also, some agencies did not feel recent costs for the program reflected a normal period due to other factors such as personnel loss or increased time commitment that resulted from SMGB consideration of lead agency assumption. As a result, some agencies did not provide the information or provided estimates to budget numbers only.

It should also be recognized that the fees discussed in this report are based on information gathered in the fall of 2014. During the interview process many of the lead agencies indicated they were also considering an increase in their fees. Although, State fee increases due to the 2016 SMARA amendments are discussed in this report, individual lead agencies were not re-interviewed. However, it can be assumed that some lead agencies have increased their fees since 2014.

3.1 State Mining & Geology Board – 42 permitted mines as of 2016

The State Mining & Geology Board (SMGB) has become the lead agency for 42 surface mining operations around the State by assuming local lead agency programs that were not complying with SMARA or, in some jurisdictions, through a Memorandum of Understanding with an agency that did not want to manage the program. In these situations, SMGB assumes all lead agency responsibility for the SMARA program except for land use entitlement authority.

Fees charged by SMGB to the surface mines within their oversight include an annual administration fee of \$5,110 per calendar year for surface mine sites under SMGB authority for 365 days and an inspection fee charged on an hourly basis. The

administration fee was originally developed by the Board in 2003 to cover the administrative costs associated with serving as a lead agency and was determined to be \$7.00 per calendar day for each mine site under their jurisdiction. In 2007, this fee was adjusted from \$7.00 to \$14.00 per calendar day for each mine. Surface mines under the authority of SMGB for less than 365 days are charged a lower fee based on the number of days within a year that SMGB served as lead agency for that operation.

The inspection fee is charged hourly based on a loaded salary which was thought to be approximately \$76.00 per hour plus costs for travel and vehicle. The Department of Conservation's accounting group also adds a 15% markup to the charge for handling the invoicing and accounting process.

One person, a Professional Geologist, conducts all annual inspections for the sites where SMGB serves as the lead agency. This person estimates the time required to complete an individual inspection ranges between 10 to 16 hours. Other staff members work on lead agency matters as needed. It was also noted that 8 dredging operations in San Francisco Bay for which the SMGB acts as the lead agency are not subjected to a physical inspection each year. The annual inspection for these dredging sites consists of a desk review of pertinent documents. Annual Administration Fee: \$5,110/mine.

3.2 County Programs

3.2.1 Alameda County - 11 mine sites

Alameda County's SMARA program is managed by the Neighborhood Preservation & Sustainability Department of the Community Development Agency. The County charges an annual tonnage based fee (\$.075/ton) for SMARA and Surface Mining Ordinance (SMO) program administration. The administrative fee covers the SMARA Annual Inspection, financial assurance cost estimate (FACE) review and financial assurance mechanism (FAM) review. This fee also covers the review of Surface Mining Permit (SMP) Conditions of Approval every fifth year as well as general administration related to all quarries.

Quarry specific issues, permit applications, revisions, amendments and SMARA or SMO compliance, including periodic reviews of SMPs are charged to the Operator at cost on a fee-for-service basis. The County occasionally utilizes consultants by contracting with a pool of specialty consultants. These consultants provide expertise, as needed, for mine inspections, hydrology, geotechnical and mine engineering concerns. All hired consultants are required to attend OMR training. The Department head attends OMR training annually and staff members attend occasionally. The department head is the lead for all SMARA related issues.

A number of the existing quarries are in reclamation, are idle and/or non-producing. Mines whose annual tonnage based admin fee is less than the cost of their administration pay on a fee-for-service basis, less the amount of their tonnage fee, if the tonnage fee is paid. This program was developed after the County began tracking its SMARA related costs and realized that the annual tonnage fee was not covering all costs related to the program.

The County identified three main sources of revenue for their program. These include:

1. Annual Tonnage Fee at \$0.075 per ton produced.
2. Idle or non producing mines are invoiced for direct hourly costs less any tonnage fee paid. Actual costs are defined by the Office of Management & Budget and are charged on a loaded salary basis.
3. New Applications – Cost on a fee deposit based on loaded salaries. In addition, Alameda County requires that all Conditions of Approval require a five year review to evaluate the permit and to make modifications, if necessary. Administrative costs that result from enforcement activities (e.g., Notices of Violations) are charged on an hourly basis.

Alameda County views surface mining as a land use. SMARA application fees go through the Planning Department but applications are processed by the Director's Designee; the Neighborhood Preservation & Sustainability Department.

Alameda County's budget for the SMARA program was not readily available, but was estimated at approximately \$450,000.00 per year. Hourly billing rates range from \$147.00 to \$225.00 per hour. Average time spent on the SMARA inspection process was not available as other inspections and reviews are completed simultaneously. Annual Administration Fee estimated: \$31,000/mine

Additional comments provided by Alameda County include:

In Alameda County, there are quarries in all phases of operation including closed, starting reclamation, interim management plans (idle) and currently operating; small to large. A 'significant', direct correlation between costs of admin based on tonnage produced has not been identified. The variances in costs experienced are largely attributable to operator compliance, whether the site is large or small; operating or not.

All sites require the same SMARA annual inspection, inspection report and FACE-FAM reviews. These costs have been averaging approx \$10,000 per site. In the responders experience, inspections are not where the County has spent the bulk of time and effort (cost) rather more time is spent dealing with non-compliant operators.

3.2.2 Orange County - 5 mine sites.

Orange County does not use consultants to administer its SMARA program. The County's fee ordinance for surface mining establishes a fixed administration fee of \$3,750.00 for all mines. If costs exceed this fee, the operator is charged an hourly rate on a time and materials basis for the excess. Fees for annual mine inspection vary from \$2,100.00 to over \$5,000.00 depending on the complexity of the geology and the condition the mine is in at the time of inspection. It is anticipated that two of the five existing mines will be closing in the next 1 to 3 years.

The SMARA program is administered by the Public Works Department with

permitting and administration handled by the Planning Division. One individual within the Public Works Department is assigned as the Section Permit Manger (SMARA Lead) for all mines. Annual inspections and FACE review are completed by the Building and Safety Division's geotechnical staff. All inspectors are experienced senior grading inspectors. These individuals are trained and mentored by an experienced Certified Engineering Geologist (inspector). Inspectors work closely with the Section Permit Manager to maintain the SMARA program in compliance with the Act and County Ordinances including the Orange County Sand, Gravel and Mineral Extraction Code. Annual Administration Fee: \$3,750.

Notes:

A Lead Agency Review Team (LART) report was issued for Orange County two years ago. The report identified deficiencies of the County's administration of the program. Since that time, the County has strengthened internal processes and procedures to comply with SMARA requirements. The County was recently praised by OMR at a SMGB meeting for making vast improvements over past efforts.

Orange County estimates the time required to complete an inspection range between 20 to 35 hours depending on the complexity of the operations.

3.2.3 Sacramento County – 26 mine sites

The Sacramento County SMARA program is managed by the Department of Community Development. One individual (Senior Environmental Analyst) is responsible for overall management of SMARA and commits approximately 50% of available work hours to the program. The position is assisted by one experienced planner.

Sacramento County has developed a Memorandum of Understanding (MOU) with 3 major producers and one developer in the County to fund SMARA related administrative time and any direct costs individually accrued. The participants in the MOU account for approximately 75% to 80% of the mining operations in the County. All participants are involved in the construction aggregate industry. Non-participants in the MOU include smaller specialty minerals or clay operations.

The MOU allows the County to bill the participants for administrative duties not charged as part of SMARA inspections. These administrative fees along with any direct costs are billed monthly on an hourly basis. Typical administrative tasks would include training, attendance at CalcIMA meetings, LART responses and other OMR issues, public inquiries, zoning code updates, file management, weekly meetings, etc.

The agreement allows billing for any work requested by producers, such as pre-application meetings, research and entitlement work. The County is "proud" of the MOU and the producers are happy to have the lead person on call at all times. The lead person works on other assignments too, but aggregate mining projects always take priority, as outlined in the MOU. The inspection process (including FACE and FAM review) usually costs from \$1,500 to \$4,000 depending on the complexity of the operations.

Sacramento County does not charge an administrative fee for companies that are not party to the MOU. However, as part of the MOU, the County has agreed to consider an administrative fee for mines that do not participate in the MOU. An estimated fee has not been established, but \$3,500.00 per year is being considered. Annual Administration Fee estimated: \$3,500.

Sacramento County estimates the time spent on the annual inspection process for each site ranges from 10 to 20 hours (less travel), with inspection follow up on approximately 20% of the inspected sites. Sacramento SMARA staff members also drive by the active mining sites on a monthly basis to view any major changes.

3.2.4 San Bernardino County - 92 mine sites estimated.

The San Bernardino County SMARA program is administered by the Planning Department. A registered Engineering Geologist is the lead person for the program and is assisted by an Analyst and Administrative Technician. The Engineering Geologist is dedicated to the SMARA program and assists with other technical issues (groundwater, dust control) within the Planning Department as time allows. This position is responsible for conducting inspections, review of Reclamation Plans, tracking compliance, communicating with the State and providing advice on policy and zoning. The lead person also serves as the primary communication link with OMR and SMGB. This position is not a supervisory position.

The Engineering Geologist is assisted by an Analyst, who is a specialist in financial assurances and an Administrative Technician, who sends out all notices, forms and maintains mine files. Both of these assistant positions have other office responsibilities and provide services to the SMARA program, as needed.

Annual inspections are, at this time, conducted by the County's SMARA lead Engineering Geologist and contract consultants. Recently, Engineering Technicians positions have been added to the Department. It is expected that they will be trained to assist with SMARA inspections, if needed.

All positions discussed above work within the Planning Department and are coordinated by the Assistant Planning Director. The County works from a project specific initial deposit placed in a trust account. The deposit amount is dependent upon the estimated cost for required tasks. Charges are based on fully loaded hourly salary rates. If the initial deposit amount is exceeded, additional funds are requested from the operator. At this time, the Planning Department is beginning to place each of the projects into categories of complex, moderate or simple, based on the size and intricacies of a project. The purpose of these categories is to balance out the initial deposit estimates between the different operators.

County staff indicated that one of the critical components for improving the County's SMARA program was educating staff on the importance of mining to the County. It was indicated that once the importance of the industry was understood by staff, the internal SMARA process improved. This effort to educate staff has also been extended outside of the Planning Department to include other County departments, the Planning Commission and Board of Supervisors. Annual Administration Fee: None.

3.2.5 San Diego County – 23 mine sites

San Diego County's SMARA program resides within the Planning and Development Services Department. A Project Geologist, who is a Professional Geologist, serves as the single point of contact for all SMARA related issues and is responsible for being the lead planner on mine permitting activities. This person is also responsible for reviewing and approving financial assurance cost estimates. The Project Geologist feels that being the lead planner improves familiarity with the projects and improves communications with the operators, the operator's consultants and the State. Until recently, the Project Geologist conducted all annual inspections. In 2014, inspections were shared between the lead person and 2 other staff members. The other staff members assist with SMARA permitting and enforcement activities on an as needed basis. Other technical staff within the department, i.e., biologists, engineers, etc., are utilized as needed on project related issues.

The County does not hire consultants to conduct inspections. There is no annual administration fee. All fees are charged using a Deposit-Based Fee at fully loaded salary rates. The inspection fee is based on the hourly rate of Project Geologist at \$209.00. The majority of SMARA related efforts are charged to site-specific projects.

The Project Geologist estimates that approximately 15% of available work time is spent on inspections and 50% on surface mine permitting. This equates to approximately 12 hours per inspection for the 23 permitted sites in the County.

The County is considering assigning a second full time position to assist the Project Geologist. The Project Geologist indicates that there are very few compliance issues and only occasional delays with operators bringing their Trust Accounts up to date. Code Enforcement would be utilized to assist the Project Geologist if it became necessary to levy fines against an operator.

The Project Geologist also serves as one of two groundwater geologists within the County of San Diego. The other position resides in the Department of Environmental Health Services and is not responsible for land use administration. Annual Administration Fee: None. San Diego County requires that all sites maintain \$2,000 in their trust account. All time spent on SMARA is charged on an hourly basis

3.2.6 Sonoma County – 23 mine sites (20 active)

Sonoma County's SMARA program is located in the Planning Department and is overseen by a Planner III. This position manages the program and conducts all inspections. The program is estimated to occupy approximately 50% of available work time. Engineers and Geologists are available on staff to accompany the inspector if needed. The County is considering transitioning the program administration of SMARA from a 50% position to a full time position, as two new mines are opening in the near future.

The County's Aggregate Resource Management Plan requires quarries to be inspected every 90 days, terrace mines every 60 days and in-stream mines every 30 days. The time required to complete a SMARA annual inspection was estimated at approximately

5 hours each. With the required frequency of site inspections, the annual time spent would range from 20 hours to 60 hours, depending on the type of mine and complexity of the permit approvals.

Fees are charged hourly on a loaded salary basis and billed monthly for specified tasks. Administrative fees cover other time and material costs attributed to mining industry, the SMARA program and the County's Aggregate Resource Management Plan. This includes training, completing an Annual Aggregate Resource Report, attending OMR meetings and other miscellaneous tasks. This administrative fee is calculated as a percentage of a project's site specific charges relative to the sum of all site specific charges in the County. This administrative fee is billed at the end of each year.

The annual budget for administration of the Sonoma County SMARA program is currently capped at \$200,000.00 per year and typically runs from \$150,000.00 to \$180,000.00 including inspections. Permitting fees are not included in this administrative fee. Annual Administration Fee estimated: \$6,500 - \$8,700.

An Annual Aggregate Road Fee is also charged at \$0.10/ton for specific haul routes.

3.3 City SMARA Programs

3.3.1 City of Corona - 3 mine sites (2 active and 1 in final reclamation)

The City of Corona's SMARA program is administered by the Planning Department. The City does not use consultants for inspections because they only have two active projects. If additional active mines were to be annexed into the City, the use of consultants would be considered.

Application Fees are acreage based and paid through an initial deposit account. There is a fixed inspection fee of \$4,030.00 + \$38.00 for scanning per year. If additional time is needed, fees are charged at a loaded hourly rate. The fee for an inspection is updated every two years. The fee used to be based on an initial deposit account, but was changed because staff did not track their time closely and significant differences were noted in the amount of time spent for each project.

The SMARA program is staffed by a planner. This position is responsible for the inspections and SMARA administration and is also the lead planner on any new applications or amendments. The inspector is accompanied by a fire inspector due to the use of blasting materials and storage of explosives at the mine sites. As needed, assistance is provided by a Storm Water Engineer and Principal Engineer for specialty review of engineering tasks. Annual Administration Fee: None. The City charges for project specific work on an hourly basis.

3.3.2 City of Irwindale - 8 mine sites.

The City of Irwindale's SMARA program is located in the Public Works Department. All mine applications have been handled through the approval of Development Agreements.

The City charges the following fees:

1. Standard Permit Application Fees plus:
2. General Mine Excavation Tax @ \$0.2619/ton;
3. Special Mine Excavation Tax @ \$0.3201/ton
4. General Mine Processing Tax @ \$.1310/ton
5. Special Mine Processing Tax @ 0.1598/ton

General Tax revenues are placed in the General Fund. Special Tax revenues are placed in a Mine Impact Fund for financing the costs of studying, quantifying, analyzing, monitoring, administering, correcting and mitigating negative environmental impacts from mining and processing per Municipal Code, Sections 3.18.030 - 3.18.050. Special taxes are utilized by the SMARA program and total \$0.4799 per ton. According to City staff, "The City's staff is sized to take advantage of those monies." Annual Administration Fee = Based on production & processing taxes..

Inspections are conducted by Public Works staff and consultants. All FACEs are reviewed and approved by the City Engineer. The City has also assembled a team of geotechnical consultants that includes two Certified Engineering Geologists, one Mine Engineer and a Civil Engineer to assist with SMARA related issues as needed.

3.3.3 City of Lake Elsinore – 5 mine sites.

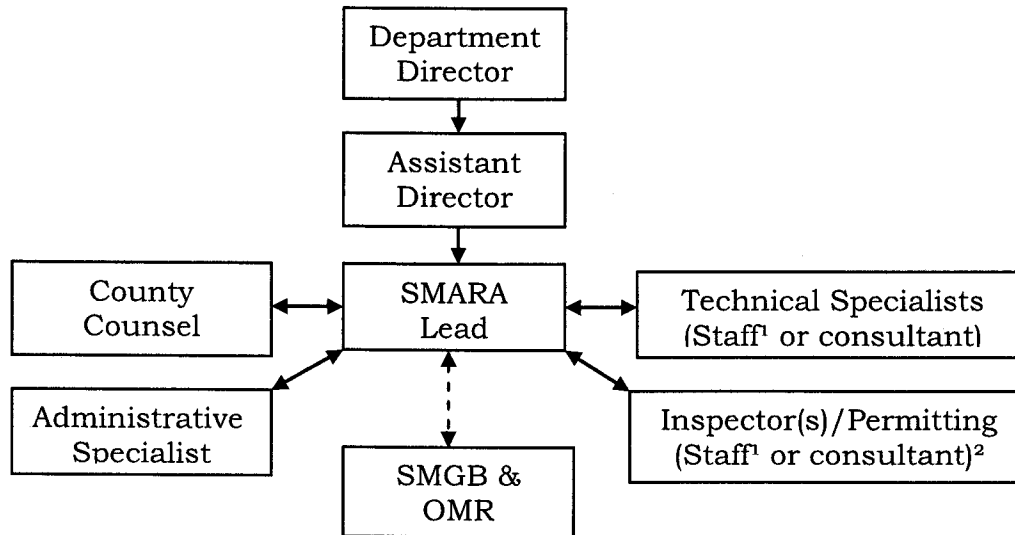
The City of Lake Elsinore contracts with a consultant to complete all inspections and advise on SMARA related matters. The City ordinance allows recovery of program fees which are charged on a loaded salary basis plus outside costs. There are no administrative fees. Average fees over the last three years are in part due to 45 day notice from OMR and subsequent SMGB hearing process between 2010 and 2012. The City relies on an outside consulting firm to provide all inspections and to serve as a SMARA advisor to the staff person responsible for the program.

The City of Lake Elsinore's SMARA program is relatively small in comparison to Riverside. Although there are 5 mine sites within the City's jurisdiction, these sites are all vested operations of which two are producing, one is operating under an Interim Management Plan (IMP), one is in reclamation and the fifth site has not started operation. Annual Administration Fee: Non-specific. All SMARA related administrative costs are billed on an hourly basis and are split between the active mine sites. Annual Administrative Fee: None.

3.4 Lead Agency Staffing

None of the lead agencies interviewed maintained an organization chart specific to the SMARA program. But as indicated, oversight of the program in all of the lead agencies had been placed under one department, even if some of the tasks were completed by technical specialist or inspectors from other departments. All of these agencies had also assigned a lead person the responsibility to manage and direct the SMARA program. This individual also serves as the primary contact with SMGB and OMR. As an example of a typical program structure based on this model, the following example organization chart is presented:

Figure 1. Example Organization Chart for SMARA Group



¹ Staff can be available from other Lead Agency Departments.

² Consultants are utilized by some Lead Agencies as needed.

Successful administration of a lead agency's SMARA program does not require a large staff. It can be done by one key technical person whose priority is the program including the permitting process and SMARA compliance. This individual must be assisted by individuals who have specific responsibilities or capabilities within that program. It is very important that all these individuals understand SMARA processes and that related tasks must be professionally completed in an appropriate time frame.

Although a SMARA program does not require a large staff, it does require adequate staffing in order to be administered and managed successfully. Delays in reviewing and approving documents, missing deadlines or not being able to assist an operator/applicant with their questions because of inadequate staffing can be extremely detrimental to the County and the mining industry. If this occurs, a lead agency's ability to successfully manage a SMARA program will be called into question.

Internal staff can also be augmented by outside consultants during the June through December time period when annual reports, updated financial assurance cost estimates and annual inspections are due as required. This example of a general model for a SMARA organization is utilized by all the lead agencies interviewed, including the SMGB. Note that some agencies utilize outside consultants and others do not.

3.5 Lead Agency Program Summary

Costs experienced by the various agencies varied significantly based the size of the program, emphasis on oversight and in part, due to the number of mines within the jurisdiction. However, relating the number of mines, tonnage produced or the acreage permitted for mining to the agency costs was not easily done. The main reason provided for this was that agency costs were more related to operator compliance and cooperation with the agency rather than the size of an operation. In other words, non-

compliant operators continue to require more time, effort and resources from the lead agencies than those who comply with the surface mining ordinances and SMARA.

Fees and costs charged by the agencies also varied, but without exception, permitting was charged on a time and materials basis using rates based on fully loaded salaries. Most agencies did charge some type of administrative fee to cover non-site specific expenses, such as management, administration, training and attendance at professional meetings. The fees were in the form of special taxes, fixed fees or calculated fees based on the overhead type expenses experienced in the previous year. These fees also varied with a wide spread of cost from a low of approximately \$3,500 to a high of \$31,000.

Only two of the ten agencies interviewed did not charge some form of an administrative fee. One agency has only two mine sites to oversee and both operators are cooperative with the program. The other agency has approximately 23 permitted sites with approximately 5 sites in the final stages of plan closure. All operations within this particular agency's jurisdiction produce construction aggregate and the largest site is 210 acres of permitted area with most sites being less than 75 acres.

Organizationally, the SMARA program in the majority of the lead agencies was located in one department and overseen by an individual with a small support staff to assist in routine administrative duties or in technical specialties. In many cases, the lead person had both permitting and inspections responsibilities and was typically a geologist or planner. Some agencies assign the SMARA compliance functions to a public works department, either before or after permitting is complete, but one department continues to maintain overall responsibility for the program at all times.

4.0 Riverside County SMARA Program

Riverside County Ordinance No. 555 was initially adopted by the Board of Supervisors on August 9, 1977 and recently amended as Ordinance No. 555.19. This amended ordinance was certified by the SMGB in December of 2012. The ordinance establishes procedures for the review and approval of reclamation plans and financial assurances, and the issuance of a permit to conduct surface mining operations. It is consistent with the intention and requirements of SMARA.

Applications for a surface mining permit and reclamation plan, revisions to a permit or an Interim Management Plan (IMP) are submitted to the County through the Planning Department. The Planning Director is responsible for following the process dictated by SMARA for consideration of reclamation plans, notifying OMR, seeking review of all documents pertaining to the proposed mine operation, responding to OMR comments and presenting the project to the decision making body under County Ordinance No. 555.19. Following the approval of a mining project by the decision making body, the Planning Director must submit the final set of documents considered in the approval (Sections 4 & 5, Ordinance No. 555) to OMR for their files.

Once the surface mining permit and reclamation plan are approved, Section 8 of the Ordinance requires the transfer of SMARA responsibility from the Planning Director to the Building Director. The Building Director is responsible for completing SMARA annual inspections, review of financial assurance cost estimates and communication

with OMR. Determining compliance with all permit conditions also becomes the responsibility of the Building Director. If a Notice of Violation is issued, the Building Director is responsible for following through with the operator to ensure that compliance is restored.

In addition, the Building Director is responsible for the processes of forfeiture of a financial assurance mechanism in the case of abandonment and for financial mechanism release when it is determined that final reclamation is completed.

An important segment of the SMARA program however, is transferred back to the Planning Director as stated in Section 10 a. of Ordinance No. 555 should a mine operator not timely correct a SMARA violation:

"If the violation continues beyond 30 days after the date of issuance of the Building Director's notice of violation, the Building Director may notify the Planning Director of that fact. Thereupon, the Planning Director may issue an order by personal service or certified mail requiring compliance or, if the operator does not have an approved reclamation plan, to cease all further mining activities. Said order; shall specify a time for compliance which the Planning Director determines is reasonable, given the seriousness of the violation"

Pursuant to Section 10 a. of Ordinance No. 555, the Planning Director must set a date for a public hearing of the order before the Planning Commission. Section 10 c. of Ordinance No. 555 provides the Planning Director the ability to 'impose an administrative penalty of not more than five thousand dollars (\$5,000) per day,' for failure to comply with an order issued by the Planning Director.

In summary, Riverside County Ordinance No. 555 grants responsibility for administration of the SMARA program to two separate departments of the Transportation Land Management Agency (TLMA). These are the Department of Planning and the Department of Building & Safety (B&S). The Planning Director is accountable for the review and approval of all SMARA related plan and permit submittals; issuing Orders To Comply for uncorrected violations; conducting hearings before the Planning Commission and the imposition of administrative penalties for uncorrected violations. It is assumed the Planning Director would also be responsible for continuing the process required in SMARA if the Order to Comply was not followed by the operator (i.e., permit revocation).

The Department of Building & Safety's SMARA responsibilities include: conducting and reporting on mine inspections, reviewing and approving financial assurance cost estimates, issuing Notices of Violations, the process for forfeiture of financial assurances, and determining the success of final reclamation. Although not specified in Ordinance No. 555, the review and approval of the financial assurance mechanism (Letter of Credit, Bond, etc.) is currently overseen by the County's mine inspector and completed by County Counsel.

4.1 Riverside SMARA Staff Interviews

Interviews of County staff members involved with the SMARA program were conducted and included staff assigned to the Planning Department, Building & Safety,

Accounting and County Counsel. Following is a list of items from the interviews that describe the management and function of the program:

- A. Specific SMARA-related training of the B&S mine inspector was minimal prior to being sent into the field. Inspectors had attended an OMR's inspection training class once and shadowed another inspector on several site visits. The B&S mine inspector doing the field training at the time was also relatively new to the task and knowledge of SMARA was limited.
- B. The mine inspector's only exposure to surface mine permits and reclamation plans are during the inspection process.
- C. The inspector was the only person doing annual inspections and reviewing and approving the FACEs prior to 2014. In 2014, a consultant was hired to complete a portion of the annual inspections. The consultant is also charged with approval of FACEs.
- D. Collection of fees owed to the County for mine inspections has been a problem due to lack of follow up.
- E. Some operators may not be paying any inspection fees.
- F. The financial assurance mechanism (FAM) approval process has been slow because of back and forth between County Counsel's office and Building & Safety. County Counsel reviews and approves FAMs while Building & Safety serves as the go-between for County Counsel and the operator. In the past, the review has been slow (weeks to months) but has recently improved to a 2 - 3 day turn around.
- G. Costs for time expended on non-project specific SMARA items were not tracked independently in the County accounting system. These costs appear to be charged to general Planning or other Department overhead accounts.
- H. Project specific costs are charged to a Planning Department SMP/RCL project number for mining permit and reclamation plan processing or to a BMP permit number for annual mine inspections.
- I. Other than attendance at OMR inspection workshops, few members of the staff have received any additional training on SMARA or mining other than in the field on the job training.

4.2 Riverside County Fees

Riverside County SMARA mine inspection and permitting fees are paid on a deposit-based fee process as defined in County Ordinance No. 671. Applications for new permits, reclamation plan, permit amendments and administrative modifications to permits are initially assessed an initial deposit fee based on the Planning Department's Fee Schedule. This is an up-front fee and must be deposited in the project account before review or processing begins. If funds are depleted by 80% of the initial fee prior to completion of the application review process, additional funds

are requested as needed. These additional funds must be deposited in the account in order for the approval process to continue and are based on the actual time needed by staff to complete the process of approval. Funds remaining in the account after completion of the entitlement process are refunded to the applicant.

After approval of the permit/plan pursuant to ordinance No. 555, responsibility for compliance is passed to the Building and Safety Department. Since a site is required by SMARA to be inspected a minimum of one time each year, the Building and Safety Department also requests an initial fee be deposited in a separate Building & Safety inspection permit account. This fee is to be utilized for the costs of the annual inspection, review and approval of the FACE update, processing any change to the financial mechanism, submitting all documentation to OMR and filing of all documents created. This fee is also used to process any enforcement action that may be required as a result of noted violations during annual mine inspections. If the annual inspection fee deposit is depleted by 80% before the inspection process is completed, or if follow up is needed for Notices of Violation, additional fees are assessed to the inspection permit account based on fully-loaded salary rates. At this time, the initial fee charged to each mine operation for the annual mine inspection process is \$5,000.00. Funds remaining in the account after completion of the annual inspection process are refunded to the operator.

In reviewing Ordinance No. 555 and No. 671, it appears that these are the only fees charged to the industry for administration and implementation of the entire SMARA program. No other SMARA related fees were mentioned by staff members during interviews. In addition, there was no section located in either Ordinance that indicated the County could impose other fees to cover the indirect expenses related to the implementation of Ordinance No. 555 and SMARA. These costs would normally include SMARA general administration, staff training and communicating with the OMR, SMGB, other agencies and the general public regarding the County's mining program.

4.3 Riverside SMARA Program Discussion

Riverside County's Ordinance No. 555 establishes that all surface mine permitting is to be managed and completed by the Planning Department. Once the permit is approved, compliance with both SMARA and Permit Conditions of Approval becomes the responsibility of the Building & Safety Department. This is not a unique arrangement as other lead agencies also assign the inspection/compliance duties to another department. However, what appears to be unique about Ordinance No. 555 is the splitting of SMARA responsibilities between two departments without identifying a single department to serve as the lead administrator of the overall program. All other lead agencies interviewed have assigned the responsibility of overseeing the complete SMARA program to a single department and individual; even if the permitting and compliance functions have been split between departments. In some lead agencies this staff position is dedicated to SMARA full time. In others, the position is committed 50% or more of the available time to surface mining activities, depending on the overall size of the SMARA program. Riverside County has historically utilized the County Geologist for this position on a part time basis.

Annual Inspections

The average amount of time utilized to conduct a SMARA annual inspection was requested from several of the County lead agencies and Riverside County staff. Time for traveling to and from the site was not included as this will be highly variable depending on the location of the various mining sites. Time estimates to complete the inspection process averaged about 16 to 20 hours per site with a range of 5 to 35 hours. It should be noted that the reported 5 hour inspection was from an agency that conducts multiple inspections of a mine site each year.

The time utilized for a site inspection was naturally dependent on the size and complexity of the operation. However, it was also noted that the time used for an inspection was generally lower for those lead agencies where the program was managed by an individual assigned to the Planning Department, the inspector was either the Project Manager for, or heavily involved with, the permitting effort and the SMARA lead person's time was committed to the program at 50% or more. This was the case in San Diego County, Sacramento and Sonoma Counties that reported estimated inspection times of 5 to 17 hours. Sonoma County indicated the lowest number of hours for a SMARA inspection, however, the frequency of inspections required by the County's Aggregate Resource Management Plan were much higher and range from 4 to 12 inspections per year depending on the mine type.

Although, this was not a comprehensive survey of all lead agencies, these observations suggest that where an individual has been committed to the SMARA program and is directly involved with permitting and inspections, familiarity with SMARA and the mine sites result in a more efficient program.

Riverside County staff estimated that the time spent on an annual SMARA inspection was approximately 10 hours, on average, but was dependent of the project size and complexity. This estimate did not include travel or follow up time if there was a non-compliance issue, additional work related to financial assurance matters or interface with County Counsel.

5.0 Program Costs

The County's costs to manage and implement this program could not be easily provided. The reason for this is that time spent on SMARA issues that is not project specific, is not tracked by all involved staff. Apparently, any effort related to SMARA issues that are not specific to an individual mine site is charged to a general planning overhead account. Since program costs are not being tracked for all aspects of SMARA, it is suspected that the County is not recovering its full program costs as allowed by Statute. In addition, with exception of permit and inspection fees, Ordinance No. 555 does not provide for other fees to be charged.

Public Resources Code Chapter 2 Section 2207.5(e) states that:

The lead agency, or the board when acting as the lead agency, may impose a fee upon each mining operation to cover the reasonable costs incurred in implementing this chapter and Chapter 9 (commencing with Section 2710).

The majority of Surface Mining Ordinances of other jurisdictions do have an article

that mimics Section 2207.5(e). For example, an article from the City of Lake Elsinore's Ordinance 14.04 is presented below:

14.04.230 Fees.

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this chapter and the State regulations, including, but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City, at the time of filing of the surface mining permit application, reclamation plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the mining operator. (Ord. 1042 § 1, 1999)

In programs with such an article in their Ordinance, these fees are used to cover overhead costs associated with the SMARA program that are not directly associated with project specific permitting and inspections. These would include non-project overhead costs such as:

- Staff training
- Attendance of state and industry wide meetings
- Reporting to SMARA state agencies
- Program tracking
- Notifications
- Equipment
- Computer programs
- File maintenance
- Collections
- Modifications to local mining ordinances
- Amendments to general plans
- Ordinance revisions
- General Plan amendments.

These costs are often recovered by the lead agencies through the use of an administrative fees charged monthly, annually, per-ton or a percentage of all overhead costs based on project specific time spent on a site.

5.1 Ordinance Amendment Costs

The cost for amending an ordinance was discussed with an attorney at the Riverside County Counsel office. It was indicated that the process of amending an ordinance is very time intensive and requires working with the Planning Department, Building & Safety Department and TLMA personnel, outside Counsel and all stakeholders prior to holding public hearings on the amendment. This includes notifying the public about the changes, responding to comments and holding the hearings (Ordinance amendments). Estimated costs provided were: \$75,000.00 to \$100,000.00

5.2 General Plan Amendment Costs

The cost for amending the County's General Plan was discussed with Planning Department staff. The process is also very time intensive and included the same involvement of County personnel, outside Counsel and stakeholders prior to holding public hearings on the amendment. The process of amending a lead agency's general plan mineral and mining policies also requires the ordinance be first certified by the SMGB before being put into effect by the lead agency. It is estimated that the costs for amending the County's General Plan could range from \$100,000 to \$150,000.

5.3 Training Costs

Interviews with Riverside County staff members indicated that training on SMARA or mining issues was minimal at all levels. Training that had been completed consisted of the accompanying another individual to an inspection, the occasional attendance of OMR's inspection workshop and the infrequent attendance of SMGB hearings. Actual costs related to classes, seminars or meetings were not available, but it can be assumed that the expenses would have been low since participation in these activities by any staff member was limited.

An estimate was developed for training or educational activities that some lead agencies and surface mining consultants regularly attend in order to stay abreast of recent developments and policies. Table 5.1 provides a summary of those activities and associated costs. A detailed breakdown for Training and Equipment are provided as Attachment A.

Table 5.1. SMARA Education and Training Costs

| SMARA Training and Education | |
|---|--------------------|
| Activity | Costs |
| OMR SMARA Inspections Workshop - (unknown date/location assume flight) -3 staff one time per year ¹ | \$7,000.00 |
| Mining Industry (CalcIMA) Conference 3 staff | \$8,900.00 |
| State Mining and Geology Board hearings (6 hearings in Sacramento, 1 staff - Head of the County's SMARA Program) | \$9,000.00 |
| Financial Assurance Cost Estimate and Financial Assurance mechanism review and approval Workshop. 3 staff, local training | \$700.00 |
| GIS Software Training - ESRI, 3 staff plus creation of base map of all current Reclamation Plan boundaries. | \$12,600.00 |
| TOTAL | \$38,200.00 |

¹ Due to recent legislative changes to SMARA, additional inspection related training will be required for lead agency employees beginning in 2017. The Department of Conservation has been tasked with developing programs and schedules for this training. As a result lead agency employees may be required to attend more than one workshop per year and training costs are expected to increase.

Costs presented in Table 5.1 were estimated based on 3 staff members traveling to attend the identified training activities with the exception of the SMGB hearings. Costs

would be similar, under the same conditions of travel and number of staff, if other SMARA related training sessions are attended. Travel costs were based on the activities being located out of the area and generally requiring an overnight stay.

5.4 Equipment Costs

Equipment used in the implementation of SMARA can be categorized as office and field equipment. Office equipment consists of computer systems, scanners and printers with the associated software that enables the staff to produce accurate maps and reports required to document annual mine inspections and support the permitting process. Office equipment costs have been included for specialized software and subscription updates for multiple users. Computer hardware has not been included since it is assumed that the County has this available.

Field equipment is usually needed to conduct inspections and enable the inspector to make determinations of compliance while at the location. This type of equipment includes a tape measure for distance and location determinations; inclinometers for slope angle and height determinations; compasses and GPS devices for locating mine boundaries and various features of the mining operation; cameras for documenting site conditions; and personal protective equipment (hard hat, vest, steel toed boots, etc.). Field equipment should also include a computer tablet to access aerial photos, mine-specific data, and various forms for conducting and documenting mine inspections while at the site.

Equipment costs can range significantly and are usually based on the accuracy, quality and reputation of the device. This equipment is generally durable and can last a long time if properly maintained. As a result, costs for equipment will be infrequent. It should also be noted that portable computer hardware, such as current smart phones and tablets, has the capability to combine many of these functions into one device. Costs for tablet and smart phone hardware and software for these devices with periodic updates of the software are included in the Field Equipment category of Table 5.2 below.

Safety equipment is required by Federal regulation when accessing a mine site. This equipment consists of a hardhat, steel-toed shoes or boots, protective eyewear and a reflective safety vest. It is assumed that Riverside County's inspectors have this equipment along with an adequate vehicle to conduct a SMARA inspection. Estimated costs for this type of equipment are included in the Field Equipment category of presented in Table 5.2.

Table 5.2. Equipment Costs

| Equipment Category | Cost |
|--------------------|----------------|
| Field Equipment | \$1,800 |
| Office Equipment | \$4,300 |
| Total: | \$6,100 |

6.0 Conclusions

The organization and responsibilities for implementing Riverside County's SMARA program is prescribed in Ordinance No. 555. The ordinance splits responsibility for implementing SMARA between the corresponding Directors of the Department of Planning and the Department of Building & Safety. Which County Department is in charge of the program depends on areas of responsibility for each Department as defined by Ordinance No. 555 and how far a SMARA related compliance problem has advanced.

Lead agency interview results indicated that using two departments to implement the SMARA program was not unusual. What was consistent with all agencies interviewed, other than Riverside County, was one Department always had overall responsibility for the program (there was one lead person accountable for the overall SMARA program). Please refer to Section 3.4 - Lead Agency Staffing of this document.

Riverside County's SMARA program is not managed or organized in this manner due to the structure identified in Ordinance No. 555. As a result, a lead person has not been assigned to manage the program. It would seem that this dispersed structure and lack of oversight could result in, and may cause, a potential breakdown of communications and/or confusion about which department was responsible for specific tasks. However, the County is now moving to amend Ordinance No. 555 to designate a single Department as having overall responsibility for SMARA.

All Lead Agencies interviewed charge permitting and mine inspection fees, in one form or another, with the fee based on time used by staff for a specified process. Riverside County SMARA mine inspection and permitting fees are specific fees that are paid on a deposit-based fee process as defined in County Ordinance No. 671. These fees are deposited into an account before review, processing or inspection begins. Two accounts are established; one by the Planning Department for permitting purposes and a separate account is established by Building & Safety for the required SMARA Annual Inspection and financial assurance review.

Funds deposited into the Planning Departments account are utilized to review new permits, reclamation plans, permit amendments and administrative modifications to permits. The initial deposit fee is based on the Planning Department's Fee Schedule.

Funds placed in the Building & Safety account are used for completing the annual SMARA inspection, review and approval of the FACE update by all staff, processing any change to the financial mechanism, submitting all documentation to OMR and filing of all documents created. This Building & Safety fee is also used to process any enforcement action that may be required as a result of noted violations during annual mine inspections. At this time, the initial fee charged to each mine operation for the annual mine inspection process is \$5,000.00.

If funds are depleted by 80% of the initial fee in either account prior to completion of a process; additional funds are requested if needed. These additional funds must be deposited in the account in order for a process to continue and are based on the actual time needed by staff to complete that process. Funds remaining in the accounts after completion of the designated process are refunded to the applicant.

Administrative costs are the labor and expense costs that the County incurs which are not directly tied to a specific project. These expenses are related to staff training, interaction with State agencies responsible for SMARA, local mining ordinance and General Plan amendments, accounting and general management of the SMARA program as a whole. Administrative fees are not mentioned in Ordinance No. 555 and, as a result, the County has not recognized, or been able to recover, these costs for the program.

Riverside County's revenues for its SMARA mine inspections and permitting are developed through a deposit-based fee structure on a per-mine basis. Mine permit and inspection fees are the only fee types specified in Ordinance No. 555 that are to be collected by the County and are the only fees charged. There is currently no discussion within Ordinance 555 for recovering other costs associated with implementation of the program. As a result, it is expected that overhead expenses for SMARA's general administration, training or general enforcement are paid through the general fund and not borne by the mining industry.

7.0 Administration Costs & Fees

Administrative costs are equivalent to "indirect" costs or "overhead" and refer to the costs associated with central functions that do not directly support a specific service, project or site. These are costs incurred for common objectives of the SMARA program as a whole, and are not assignable to a particular project or mine site.

Non-specific SMARA/mining related tasks would include items such as:

- SMARA related guidelines and form development;
- Policy review and development;
- All SMARA related training classes
- Field training
- Mine Safety & Health Administration certification
- Technical classes (geology, revegetation, storm water and erosion control, mapping);
- Attendance of industry and regulatory meetings
- State Mining & Geology Board
- CalCIMA;
- Program review by OMR;
- Program meetings with Department Directors, Planning Commission and the Board of Supervisors;
- Program management and reporting;
- SMARA Accounting.
- Equipment purchase and maintenance (related software, field and safety equipment).

As indicated in Section 5.0 of this report, administrative costs for the SMARA program had not been tracked separately from other overhead costs. However, in the fall of

2014, an overhead billing number was established for the Chief Engineering Geologist and Administrative Assistant to track all SMARA related time and expenses that were not project specific. In addition, expenses for County Counsel and outside vendors working on SMARA a program items was also tracked. Table 7.1 summarizes those SMARA overhead labor costs from September 2014 to December 2015 by category and presents the total costs based on information provided by the County.

Table 7.1 SMARA Program Overhead Costs 2014-2015

| Cost Group | Cost |
|-------------------|------------------|
| Planning Staff | \$78,315 |
| County Counsel | \$37,998 |
| Vendors | \$88,498 |
| Total | \$204,811 |

The total presented in Table 7.1 for Planning Staff only includes overhead expenses for the Chief Engineering Geologist, Administrative Assistant and a Mine Inspector. Training expenses and meeting attendance were not included and were estimated to be approximately \$38,200.00 per year as indicated in Table 5.1. Other management and administrative staff with responsibilities to the program were also not accounted for in Table 7.1.

7.1 Determining Annual Administrative Fee

A number of approaches to addressing an annual administrative fee have been discussed in previous sections of the report based on interviews with a number of lead agencies in the State. These methods are presented in the following paragraphs with examples of the revenues that could be expected from implementing these types of fees or combinations of fees.

Within its jurisdiction, Riverside County currently has 49 mine sites that produced approximately 10.75 million tons of mined products in 2014. Where appropriate, this number was used as the multiplier to determine the revenue developed from each fee structure. Suggestions for recovering the administrative costs associated with the SMARA program are as follows:

A. Single annual fee for all operators

Examples for revenue generated by different levels of fees based on the current number of SMARA sites (49) within Riverside County's jurisdiction:

Example:

@ \$4,000/year x 49 sites = \$196,000

@ \$5,000/year x 49 sites = \$245,000

@ \$6,000/year x 49 sites = \$294,000

Note: A \$500.00 change in the annual fee is equal to \$24,500.00

Pro: Simple approach with little extra accounting effort by the County. All sites contribute equally to the program regardless of operating status.

B. A per ton production fee

Example: \$.02 per ton x 10.75 million/yr. = \$215,000.00

Pro: A low unit fee based on production generates relatively, large revenue.

Con: Increased tracking requirements for the agency to assure proper fees are calculated and collected.

Sites that are operating at a minimal level, or not producing, pay little or no fees to support administration of the program. As a result, a second fee structure may be required to ensure all operators share costs for program administration.

C. Hourly and Expenses

At the end of each quarter or fiscal year, total SMARA overhead charges would be invoiced to each site for a share of the total cost. The portion could be based on a ratio of the annual direct site time relative to total project time spent on all projects or the total cost might be divided equally between all sites in the County.

Pro: The fee would account for variances in overhead expenses from year to year whether up or down.

Con: The fee would vary, possibly significantly, from year to year creating difficulties for operator budgeting purposes. Additional administrative effort for accounting, tracking and collection of fees would be required.

D. Combination of Fees

A combination of a fixed annual fee and a per ton production fee could also be considered.

Example:

| | | |
|-----------------|----------------------------------|---------------------------|
| Fixed Fee: | \$4,000.00/year x 49 sites | = \$196,000.00/yr. |
| Production Fee: | \$.015/ton x 10.75 mil. tons/yr. | = <u>\$161,250.00/yr.</u> |
| | Total: | \$357,250.00/yr. |

Pro: All sites contribute a fee to the program regardless of operating status. Sites that are operating at a reduced tonnage or are not operating, pay a fixed fee during periods of inactivity.

Con: Higher producing sites contribute more to program costs. Fees collected by the County will vary annually according to market conditions. Additional administrative effort for accounting, tracking and collection of fees would be required.

Of the four methods suggested for charging administrative fees, the single, annual fee is the simplest and most equitable fee that could be applied. All sites pay the same fee regardless of location, type of product produced or size of the operation. This approach requires very little additional accounting or tracking time by the agency and ensures all sites contribute equally to the County's SMARA administrative costs.

Fees based solely on production or size of an operation may work well for a lead agency that regulates sites where there is consistency in the material produced, type of operation and the market area. In a jurisdiction such as Riverside County, there is significant variability in all of these items. This could result in certain operators bearing the majority of the program's administrative costs while others bear little or no cost. This method would necessitate an increase in accounting and supervisory time to manage this fee collection.

The third fee structure is a time and materials approach where administrative costs are apportioned to all sites based on some factor determined by the jurisdiction. This could be a ratio of direct time charged to a site relative to total direct time charged or by splitting administrative costs evenly between all sites within the jurisdiction. In this case, annual fees paid by an operator may vary considerably from year to year based on regulatory status of the sites and the expenditures by the agency. This method would also necessitate an increase in accounting and supervisory time to manage collection of this fee.

A combination of fees structure does provide relief for sites that are producing at a minimal level or not producing at all, but simultaneously requires all sites to contribute to the administrative costs of the program; regardless of status. This fee structure would require additional tracking and billing responsibilities for the County. In addition, the higher producing projects would bear the larger portion of the program's administrative costs.

7.2 Expenses and Fees

EnviroMINE was asked to provide recommendations on a SMARA administrative fee structure and a fee that could be collected by the County. The basis for identifying a fee for Riverside was developed from the SMARA program overhead expenses tracked by the County from approximately September 2014 to December 2015. Adjusted to a 1-year basis, these labor expenses totaled \$204,811.00 and are categorized in Table 7.2.

Costs presented in Table 7.2 are for time spent by County's Chief Engineering Geologist, Administrative Assistant and a Mine Inspector on general administrative issues related to the County's SMARA program and for time responding to OMR's Lead Agency Review Team (LART) evaluation of the program. County Counsel's charges are for work completed on the LART evaluation and for consultation on the SMARA Fee Nexus Study commissioned by the County to evaluate the County's SMARA program, ordinance and costs. Vendor's costs were expenses realized from the SMARA Fee Nexus Study.

Table 7.2. SMARA Administrative Cost Allocation 2014- 2015

| Cost Group | Cost |
|---|------------------|
| County Staff: | \$91,368 |
| County Counsel: | \$37,998 |
| Vendors: | \$88,498 |
| Sub -Total | \$204,811 |
| # of Mine Sites in County Jurisdiction | 49 |
| Administrative Cost per Mine Site, 2014 - 2015 | \$4,180 |

Costs for training/educational time, equipment costs, revising ordinances or amending the General Plan were estimated as part of this study, but are not added to the sub-total of Table 7.2. Also, not included in this study are potential costs associated with other administrative or management staff involved with the program as directors or advisors. These costs had not been tracked by the County prior to this study.

If estimates for training, revising ordinances and amending the General Plan were included, the total costs of the program would increase as indicated in Table 7.3. A 10% charge for administrative and management time has been included to account for time spent by the Department's senior management staff and directors involvement with the program.

Table 7.3. SMARA Program Costs

| Category | Cost |
|---|------------------|
| County Staff, County Counsel & Vendors* | \$129,000 |
| Training & Educational (estimate) | \$38,600 |
| Equipment | \$6,100 |
| Ordinance Revision - General Plan Amendment (estimated)** | \$22,050 |
| Sub-total | \$195,750 |
| Administrative/Management @ 10% | \$19,575 |
| Total | \$215,325 |
| # of Mine Sites | 49 |
| Annual Estimated Cost per Mine Site | \$4,394 |

* Vendor charges are not included in this sum as these fees were a onetime charge for the SMARA Fee Nexus Study.

** The estimated cost of \$22,050 for the General Plan Amendment and Ordinance revision was developed by dividing the total of the lowest estimates for the General Plan Amendment and Ordinance Revision by the current cycle on which the General Plan is amended. The current cycle is once every 8 years.

As indicated in Table 7.3, the cost to manage the Riverside County SMARA program in a dedicated manner is estimated to be \$215,325.00 per year. This is overhead expense which is not project specific, but related to the overall management of the program, reporting to and communicating with the State, and adequately training personnel in the enforcement of SMARA and County Ordinance No. 555. With 49 current mine sites in the County's SMARA program this equates to \$4,394.00 per site, per year.

8.0 Recommendations

8.1 Program Recommendations

After reviewing Riverside County's SMARA program and interviewing other lead agencies in the State, the following recommendations are presented for consideration.

1. Consolidate responsibility for the County's SMARA program under one department. Assistance can be provided by other departments when needed.
2. Assign an individual within that Department to be the Program's lead person.
3. Commit the lead person to utilizing 50% or more of their time to the SMARA program and make the program that individual's priority. This person should be involved in all SMARA projects from initial application until final closure.
4. Assign adequate staffing to work on SMARA issues such as planners, administrative technicians and assistants, inspectors and a financial assurance specialist.
5. Consider the use of contracted specialty firms to assist in annual inspections and other seasonal or temporary efforts.
6. Charge an administrative fee to the industry to cover SMARA related costs that are not project specific.
7. Amend Ordinance No. 555 to reflect changes in program responsibilities and fees, as appropriate.
8. Train all staff working with the program on SMARA, financial assurances, inspections and the relationship of OMR/SMGB. This training should include initial and refresher courses.
9. SMARA staff Lead person should routinely attend SMGB meetings.
10. SMARA staff members should attend associated industry meetings and conferences.
11. Establish specific accounting task codes to identify time spent by the staff for SMARA issues that are not directly project related such as training, administrative, attendance of SMGB meetings, etc.
12. Emphasize the importance of the mining industry in Riverside County to all staff that may interact with the SMARA program or the mining industry. This should extend to Department Supervisors, Planning Commission and Board of Supervisor members.

Successful lead agency programs are those where SMARA has been made a priority, are managed by a single lead person, adequately staffed and where mining is considered to be an important part of the local economy. When SMARA is consistently

enforced, the program adequately funded and run efficiently; compliance issues with operators and public complaints about the industry are usually reduced. When problems do occur, these can be resolved more quickly and mining operations benefit from a more efficient program

8.2 SMARA Fee Recommendations

Based on the language of Ordinance No. 555, Riverside County currently charges fees according to the direct time spent on a project for the Annual SMARA Mine Inspections and for permitting/enforcement actions. Activities and expenses associated with the SMARA program that are not directly related to a project, such as training, equipment, accounting, interaction with the Department of Conservation and general program management, are not charged since there is no provision in Ordinance No. 555 for these fees. As a result, these functions have very little priority and the foundation of a solid program is not maintained.

Most Lead Agencies in the State have some form of administrative fee that is charged to the industry and in many cases these fees are increasing as regulations are amended. For example, two State bills (AB 1142 and SB 209) reforming SMARA were signed into law on April 18, 2016. One consequences of SB 209 is the maximum fee charged by the Department of Conservation will increase incrementally from a maximum of about \$5,000.00 per year in 2016 to a maximum of \$10,000.00 per year for the annual report year of 2019-20. The annual cap for total revenue collected by the agency was also raised from \$3,500,000.00 to \$8,000,000.00. These funds are used by the Department of Conservation for administering the Act at the State level.

Secondly, this legislation also requires that Lead Agency personnel be trained in SMARA regulations and inspections. The number and frequency of these training sessions are unknown at this time, but are currently being developed by the Department of Conservation's Division of Mine Reclamation. These training requirements are expected to be implemented in 2017.

Using the information collected and developed as part of this study, it was estimated that Riverside County would require approximately \$215,325 per year of funding for overhead functions to effectively administer the SMARA program. It should be noted that the estimated annual cost for this program was developed using limited data as these costs had not been previously tracked. Based on the number of mine sites in the County, this equals \$4,394.00 per site/year.

Riverside County should consider including the ability to charge an administrative fee for the SMARA program in the amendment of Ordinance No. 555. Fees collected would then be used for overhead costs to the program. The amended Ordinance should also allow the Board of Supervisors the flexibility to annually increase or decrease these fees as needed. Although there is several ways the fee can be charged, a single administrative fee applied equally to each of the 49 sites within the County's jurisdiction is the simplest and most equitable fee structure. A fee of \$4,394.00 per site, per year would produce \$215,325.00 in revenue for the County's SMARA program. This fee could be implemented incrementally over a three to four year period. This would allow the industry to adapt to the new fee and for the County to develop more accurate information on which to base the fee.

ATTACHMENT A

Riverside County SMARA Nexus Study SMARA Training and Equipment Fees

**Riverside SMARA Fee Nexus Study
SMARA Training and Equipment Fees**

| | |
|--|--|
| Part A | |
| 2015 OMR SMARA Inspections Workshop - (unknown date/location assume flight) | |
| Lodging (2 Nights @ \$150 per room) for 3 staff | \$900.00 |
| Airfare (round trip @ \$400 per ticket) for 3 staff | \$1,200.00 |
| Car Rental (2 days @ \$50 per day) | \$100.00 |
| Meals (\$15-\$20-\$40) for 3 staff | \$225.00 |
| Time (4 hours travel on arrival day plus two 8 hour days @ \$75/hour) for 2 staff | \$4,500.00 |
| | \$6,925.00 |
| 2014 CalCIMA Conference - November 2-5, San Diego, CA | |
| Registration (3 @ \$300.00 ea.) | \$900.00 |
| Lodging per Night at Paradise Point Resort (3 nights at \$175 per night) for 3 staff | \$1,575.00 |
| Car Rental (4 days @ \$50 per day) | \$200.00 |
| Time (2 hours travel on arrival day (11/2) plus three 8 hour days @ \$75/hour) for 3 staff | \$5,850.00 |
| Meals misc \$30 per day (meals provided during event) for 3 staff | \$360.00 |
| | \$8,885.00 |
| Part B | |
| 2014 - 2015 State Mining and Geology Board hearings (minimum 6, locations unknown) | |
| Lodging per Night (1 night; unknown location) | \$125.00 |
| Airfare (round trip; unknown location) | \$400.00 |
| Car Rental (1.5 days at \$50 per day) | \$75.00 |
| Meals (\$40-\$15-\$20-\$40) | \$115.00 |
| Time (4 hours travel on arrival day plus one 8 hour day @ \$75/hour) | \$825.00 |
| | Sacramento \$1,540.00 |
| | *Local \$920.00 |
| <i>*for local destinations assume no airfare, no lodging and only lunch for meal</i> | |
| | 6 hearings (assume Sacramento) \$9,240.00 |
| Part C | |
| Costs to amend County Ordinance/General Plan/Standard Documents (Chief Engineering Geologist, Planner Staff, County Counsel, etc.) estimated. | |
| | \$100,000.00 |
| | \$100,000.00 |
| Part D | |
| Financial Assurance Cost Estimate and Financial Assurance mechanism review and approval (2 staff @ 1 outside vendor training per year). Assume @ San Bernardino | |
| Car Rental (1 day) | \$50.00 |
| FACE workshop attendance (meals included) 3 staff @ \$200 ea. | \$600.00 |
| | \$650.00 |

| | |
|---|---------------------|
| Part E | |
| Software and hardware to prepare mine inspection exhibits and to evaluate mine disturbance and reclamation areas | |
| ESRI ArcMAP 10.2 software single use license | |
| Training ArcGIS 1: Introduction to GIS (2 days) @ \$1,130 ea. for 3 staff | \$3,390.00 |
| Training ArcGIS 2: Essential Workflows (3 days) @ \$1,695 ea. for 3 staff | \$5,085.00 |
| Meals (\$20 per day/person) 5 days for 3 staff | \$300.00 |
| -and- | |
| Have GIS/survey department create a BASE Reclamation Plan Boundary layer. Maps can be printed annually with updated orthophotography to check for changes in disturbance. Staff can edit disturbance areas if they have changed. 50 hours (1 hour per mine) Reclamation Plan Boundary layer creation by GIS dept. | \$3,750.00 |
| | \$12,525.00 |
| | |
| TOTAL A-E | \$138,225.00 |

ATTACHMENT B

Riverside County SMARA Nexus Study Lead Agency Fees Charged - 2014

Riverside SMARA Fee Nexus Study Lead Agency Fees Charged - 2014

| Lead Agency | Mines | Use Consultants | Admin Fees | Basis - fixed or hourly | Annual Inspection Fee? | Basis - fixed or hourly | Average Cost for Admin & Compliance |
|------------------------------|-------|--|-------------|-------------------------|------------------------|-------------------------|---|
| State of California | | | | | | | |
| State Mining & Geology Board | 42 | No | \$5,110.00 | Fixed | Yes | Hourly | The cost for inspections is approximately \$2,100 per site depending on location and complexity. Administrative calendar day/per calendar day. It account for the jurisdiction of S Hourly rate for Conservation al accounting/inv The total numb Conservation ar These 8 sites dc nature of the pr annually for the |
| County Lead Agencies | | | | | | | |
| Alameda County | 10 | Alameda County hires a pool of specialty consultants on 5-year contracts to provide support as needed by the Department to implement SMARA. This includes mine inspection, hydrology, geotechnical and mining expertise. Consultants are used for inspections but not exclusively. | \$0.075/ton | Plus Hourly | Included in Fee | Fixed | The County charges an annual tonnage based fee (\$ (SMO) Program administration per the SMO. The Ad Review, FAM Review and SMP Conditions of Approv all Quarries. Quarry specific issues, permit applico compliance including Surface Mining Permit periodic for service basis. Quarries that are in Reclamation, ic admin fee is less than the cost of their administration their tonnage fee if paid. |
| Orange County | 5 | No | \$3,750.00 | Fixed | Yes | Fixed | Varies from \$2,100.00 to over \$5,000.00 Based on compl |

**Riverside SMARA Fee Nexus Study
Lead Agency Fees Charged - 2014**

| Lead Agency | Mines | Use Consultants | Admin Fees | Basis - fixed or hourly | Annual Inspection Fee? | Basis - fixed or hourly | Average Cost for Admin & Compliance |
|-----------------------|---------|-----------------|----------------------|-------------------------|------------------------|-------------------------|--|
| Sacramento County | 26 | No | See Notes - Column I | NA | Yes | Hourly | Not available County has not funding MOU w attempt such a in the MOU. Th administrative c which are billed bill for any worl meetings, resea would be trainir OMR issues, pul weekly meeting producers are h times. Position always take pric usually costs frc |
| San Bernardino County | 92 est. | Yes | None | NA | Varies per project | Hourly | The fee system loaded salaries. County is curre complex, model more evenly in 1 |
| San Diego County | 23 | No | None | NA | Yes | Hourly | The SMARA pro Department. Pr has full respons County. Geologi and prior to 201 with 2 other sta time spent on r |
| | | | Yes. Calculated as | | | | 23 total sites an charged at \$0.11 |

Riverside SMARA Fee Nexus Study Lead Agency Fees Charged - 2014

| Lead Agency | Mines | Use Consultants | Admin Fees | Basis - fixed or hourly | Annual Inspection Fee? | Basis - fixed or hourly | Average Cost for Admin & Compliance |
|---------------------------|-------|---|---|-------------------------|-------------------------------------|--|--|
| City Lead Agencies | | | | | | | |
| City of Corona | 3 | No | Application Fees only. | Acres based | \$4,030.00 + a \$38.00 scanning fee | Fixed (reviewed every 2 years by City Council) | Not available. SMARA located in the Planning Department with one individual responsible for the program. Assisted by a storm water engineer and Senior Civil Engineer as needed. |
| City of Irwindale | 7 | The City of Irwindale has assembled a Geotechnical team of consultants to provide SMARA expertise and support as needed. This includes 2 - Certified Engineering Geologists, 1 - mine engineer and 1 - civil engineer. These individuals also assist in mine inspections. | Standard Permit Application Fees plus General Mine Excavation Tax @ \$0.2619/ton; Special Mine Excavation Tax @ \$0.3201/ton General Mine Processing Tax @ \$.1310/ton and Special Mine Processing Tax @ \$0.1598/ton Total of \$0.8728/ton | NA | No | NA | SMARA located in the Public Works Department with the Planning Department assisting in the permitting process. Overseen by the City Engineer who approves all FACES. General tax rev placed in Mine I quantifying, ana mitigating nega processing. Mur |
| City of Lake Elsinore | 5 | Yes | Cost including consultant | Hourly | Cost | Hourly | City Ordinance : three years in p. SMGB hearings. All inspections & advise the City (are active, one i ground. Costs not available and would have been impacted by SMGB 45 days notice and assumption process. Consultant used for inspections and as advisory specialist. |

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

| <u>Subject:</u> | <u>Policy Number</u> | <u>Page</u> |
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| GUIDELINES FOR PROCESSING SURFACE MINING PERMITS FOR NEW AND SIGNIFICANTLY EXPANDED SURFACE MINING OPERATIONS | B-35 | 1 of 4 |

Purpose:

The Surface Mining and Reclamation Act ("SMARA") of 1975 and Ordinance No. 555, on a state-wide and county-wide level, respectively, address the need for a continuing supply of mineral resources and the importance of promoting the development of such resources. At the same time, SMARA and Ordinance No. 555 also seek to minimize or prevent the negative impacts of surface mining and ensure mined lands are reclaimed to a usable condition. The Board of Supervisors ("Board") therefore recognizes and supports the need for a continuing supply of mineral resources, in an environmentally responsible manner. However, depending on the location of the facility, surface mining may result in impacts to the surrounding area, including but not limited to the heavy trucks associated with surface mining that can negatively impact the conditions of roadways.

The fundamental values of the County expressed in its General Plan remain important, including "sustainability," pursuant to which the County has an expectation that its future residents will inherit communities offering them a reasonable range of choices (General Plan p. V-7) and the "natural environment" (General Plan p. V-6). New and significantly expanded surface mining projects need to be approved and operated with these and other fundamental values in mind.

Other General Plan policies that could be affected by surface mining operations include the following:

- Land Use Element Policy LU 2.1.c – the County shall provide a broad range of land uses, including a range of residential, commercial, business, industry, open space, recreation and public facility uses (General Plan p. LU-19).
- Land Use Element Policy LU 5.1 – the County shall ensure that development does not exceed the ability to adequately provide supporting infrastructure and services (General Plan p. LU-24).
- Land Use Element Policy LU 7.1 – the County shall accommodate the development of a balance of land uses that maintain and enhance the County's fiscal viability, economic diversity and environmental integrity (General Plan p. LU-26).
- Land Use Element Policy LU 26.3 – the County shall ensure that development does not adversely impact the open space and rural character of the surrounding area (General Plan p. LU-56).

The purposes of this Board policy are: (1) to ensure that new and significantly expanded surface mining projects support the foregoing policies and other fundamental values; (2) ensure that these and other fundamental values, including those set forth in the County Vision, continue to be implemented; (3) maximize efficient utilization of resources at the least economic cost to the public; (4) give operators and owners of surface mining operations certainty as to, and options for

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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| GUIDELINES FOR PROCESSING SURFACE MINING PERMITS FOR NEW AND SIGNIFICANTLY EXPANDED SURFACE MINING OPERATIONS | B-35 | 2 of 4 |

complying with, the County's requirements; and (5) ensure that County roadways utilized by new and significantly expanded surface mining facilities are properly maintained. These goals will be accomplished, in part, by providing funding for future roadway expansion, repair, and/or maintenance activities that will be deposited with the County for use within the supervisorial districts where new and significantly expanded surface mining facilities are located, through either (1) the payment of a Road Impact Assessment, or (2) the negotiation of a Development Agreement, as set forth below.

Policy:

To secure public health, safety, and welfare, all new surface mining operations and significantly expanded surface mining operations shall be subject to this policy as well as the requirements of any applicable ordinance, state law, and federal law. For the purposes of this policy, a "Significantly Expanded Surface Mining Operation" shall mean the physical expansion of a legally existing surface mining operation, operating under a valid surface mining permit ("Permit"), that cumulatively increases the size of the area under the Permit by more than ten (10) percent of square footage of the existing surface mining operation or total volume of the mineral reserves. (Ordinance No. 555 Section 4.I.) Subsequent applications will be considered with the previous ones to calculate cumulative increase.

New Permits or Revised Permits for Significantly Expanded Surface Mining Operations. In accordance with Ordinance No. 555 Section 7, applicants for a new Permit, or a Revised Permit that qualifies as a Significantly Expanded Surface Mining Operation, shall select one of the following and: (1) Submit an application for a development agreement, which would then be processed in accordance with all applicable ordinances, provisions, procedures, policies, and state and federal laws relating to development agreements and which must be approved and fully executed prior to or concurrently with final approval of such new Permit or Revised Permit; or (2) Agree to a condition of approval requiring compliance with the Road Impact Assessment as set forth in this policy and Ordinance No. 555. The selection between these two options is at the discretion of the applicant, and an applicant's decision to select one option rather than the other shall not be the basis for denial of the project.

Applicants shall have the discretion to determine which of these two options to undertake. Accordingly, an applicant's decision to undertake one option as opposed to the other shall not constitute a basis for (i) the County to deny a new Permit, or a Revised Permit that qualifies as a Significantly Expanded Surface Mining Operation; or (ii) the County to impose conditions or mitigations that would not have otherwise been imposed of the applicant had selected the other option.

Road Impact Assessment. Applicants for a new Permit, or a revised Permit for a Significantly Expanded Surface Mining Operation, that elect to be subject to a Road Impact Assessment shall comply with the following payment program:

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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| GUIDELINES FOR PROCESSING SURFACE MINING PERMITS FOR NEW AND SIGNIFICANTLY EXPANDED SURFACE MINING OPERATIONS | B-35 | 3 of 4 |

PCC Material: Applicants shall pay to the County a Road Impact Assessment of \$0.05 per ton of Portland cement concrete-grade aggregate material ("PCC Material") extracted from the subject mining site associated with the new Permit, or revised Permit for a Significantly Expanded Surface Mining Operation, and either (i) sold as a finished product and transported off the site, or (ii) transported off the site for further processing and sale off the site.

Non-PCC Material: Applicants shall pay to the County a Road Impact Assessment of \$0.03 per ton of material not suitable for Portland cement concrete use ("Non-PCC Material"), including, without limitation overburden, other waste rock, or topsoil, extracted from the subject mining site associated with the new Permit, or revised Permit for a Significantly Expanded Surface Mining Operation, and either (i) sold as a finished product and transported off the site, or (ii) transported off the site for further processing and sale off the site.

If the Road Impact Assessment payment amount would be less than \$25,000, applicants for a new Permit, or a revised Permit for a Significantly Expanded Surface Mining Operation, shall be required to pay a minimum Road Impact Assessment amount of \$25,000 ("Minimum Payment") per year.

CPI Adjustments. The Road Impact Assessment shall be adjusted annually in accordance with the Consumer Price Index for "All Urban Consumers, All Items Less Food and Energy Riverside-San Bernardino-Ontario, CA Area," published by the U.S. Department of Labor Statistics, or, if no longer available, a similarly applicable index. The annual CPI adjustment shall not exceed 4 percent. The \$25,000 minimum annual Road Impact Assessment shall be subject to a 10% adjustment every five years.

Local District Use of Road Impact Assessments. In order to ensure that Road Impact Assessments are used to expand, maintain, repair the network of roadways being used in conjunction with the specific mining sites responsible for payment of the Road Impact Assessments, the County's use of Road Impact Assessments shall be limited to new paving, repair and maintenance activities within the supervisory district within which the specific mining site paying the Road Impact Assessment is located.

Payment Schedule. Applicants electing to be subject to a Road Impact Assessment shall submit payments to the County on an annual basis on October 1 of each year, based on the annual Operator's report required to be submitted on July 1. The first payment for a new Permit shall be paid the first October 1 after approval of the Permit or revised Permit. The first payment for a Significantly Expanded Surface Mining Operation shall be paid the first October 1 after extraction has begun. For both a new Permit and a Significantly Expanded Surface Mining Operation, the Minimum Payment, if applicable, shall be prorated on a daily basis for the first year. Consistent with sections 2207(g) and 2778 of SMARA, the disclosure of the amount of a Road Impact Assessment paid by a party subject to this Board Policy shall be considered proprietary

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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| GUIDELINES FOR PROCESSING SURFACE MINING PERMITS FOR NEW AND SIGNIFICANTLY EXPANDED SURFACE MINING OPERATIONS | B-35 | 4 of 4 |

information. However, the total amount of all Road Impact Assessments collectively paid by all parties subject to this Board Policy shall be considered public information, unless the disclosure of such information would result in either the direct or indirect disclosure of information identified as proprietary pursuant to this section, which will be assessed by the County on a case-by-case basis.

Annual Minimum Road Impact Assessment. Applicants for a new Permit, or a revised Permit for a Significantly Expanded Surface Mining Operation, shall be required to pay a minimum Road Impact Assessment amount of \$25,000, notwithstanding the Road Impact Assessment payment program discussed above.

Development Agreement.

As an alternative to the Road Impact Assessment program, applicants for a new Permit, or a revised Permit for a Significantly Expanded Surface Mining Operation, may instead apply for, negotiate, and agree to be bound by a development agreement. Applicants who select this option shall not be subject to the procedures and requirements, including payments, associated with Road Impact Assessments, as set forth above. If a development agreement is desirable and mutually beneficial, one shall be prepared that sets forth the terms and conditions under which the surface mining operation will operate and complies with County procedures and requirements for the consideration of development agreements, and all other applicable local ordinances and regulations, state law, and federal law.

Term of Development Agreement. If a development agreement is prepared for a Permit, it is generally appropriate that the development agreement and associated Permit have a term of up to 40 years. It is also generally appropriate that such term may be extended for an additional 10 years pursuant to the provisions of the development agreement and the conditions of approval for the Permit and in accordance with the County General Plan and any applicable County ordinance and provided that there has been substantial compliance with the terms of the Permit and any previous development agreement.

Exemption. This policy shall not apply to County owned or operated surface mining operations. This policy shall not apply to changes to a Reclamation Plan alone or to changes to a vested mining operation within the area for which a vested right has been established. This policy shall not apply to applications for a Revised Permit that propose a cumulative expansion smaller than ten percent, although such applicants may elect to comply with this policy by either submitting an application for a development agreement or agreeing to be subject to Road Impact Assessments and thereby receive the benefits of this policy, including a potentially longer term.

REFERENCE:

Minute Order X.X of XX/XX/20

1 ORDINANCE NO. 555.20

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 555 IMPLEMENTING

4 THE SURFACE MINING AND RECLAMATION ACT OF

5 1975

6
7 The Board of Supervisors of the County of Riverside Ordains as Follows:

8 Section 1. Ordinance No. 555 is amended in its entirety to read as follows:

9 "ORDINANCE NO. 555

10 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

11 IMPLEMENTING THE SURFACE MINING AND RECLAMATION

12 ACT OF 1975

13
14 Section 1. FINDINGS. The Board of Supervisors hereby finds and declares that the
15 extraction of minerals is essential to the continued economic well-being of the County of Riverside.

16 Section 2. PURPOSE. The purpose of this ordinance is to regulate all surface mining
17 operations in the unincorporated area of the County as authorized by The Surface Mining and Reclamation
18 Act of 1975, to ensure that:

- 19 A. The reclamation of mined lands will be carried out in such a way that the continued
20 mining of minerals will be permitted;
- 21 B. The adverse effects of surface mining operations will be prevented or minimized and
22 that mined lands will be reclaimed to a useable condition which is readily adaptable
23 for alternative land use;
- 24 C. The production and conservation of minerals will be encouraged while giving
25 consideration to values relating to recreation, watershed, wildlife, range and forage,
26 and aesthetic enjoyment, and the residual hazards to the public health and safety will
27 be eliminated;
- 28 D. There is sufficient production and development of local mineral resources because

1 the production and development of local mineral resources:

- 2 1. Help maintain a strong economy;
- 3 2. Are necessary to build infrastructure; and
- 4 3. Are vital to reducing transportation emissions in the County, including those
5 that result from the distribution of hundreds of millions of tons of
6 construction aggregates that are used annually in building and maintaining
7 the state; and

8 E. The development of the County's finite, important mineral resources, which the
9 Legislature has determined is vital to a sustainable California, is promoted.

10 Section 3. AUTHORITY. This ordinance is adopted pursuant to Public Resources Code
11 section 2774, which requires the County to adopt an ordinance in accordance with state policy that
12 establishes the procedures for the review and approval of Reclamation Plans and financial assurances and
13 for the issuances of Permits to conduct surface mining operations.

14 Section 4. DEFINITIONS. As used in this ordinance, all references and citations to
15 statutes, regulations, ordinances, and other bodies of law shall include those statutes, regulations,
16 ordinances, and other bodies of law as they may be amended from time to time. In addition, unless
17 otherwise specified, all references in this ordinance to a number of days shall refer to calendar days. The
18 following terms in this ordinance shall have the following meanings:

- 19 A. Assistant TLMA Director. The County Assistant TLMA Director – Community
20 Development, or his or her designee.
- 21 B. CEQA. The California Environmental Quality Act (Pub. Resources Code, § 21000
22 et seq.).
- 23 C. County. The County of Riverside, which acts the “lead agency” under SMARA for
24 all surface mining operations subject to this ordinance.
- 25 D. Director. The Director of the Department of Conservation.
- 26 E. Operator. The individual or entity that operates a surface mining operation, as
27 surface mining operations are defined in Public Resources Code section 2735.
- 28 F. Permit. Unless otherwise stated, the Surface Mining Permit.

- 1 G. Reclamation Plan. An Operator's plan for reclaiming the lands affected by his or her
2 surface mining operations, as the term is defined in SMARA and the SMARA
3 Regulations.
- 4 H. Revised Permit. A request for a Substantial Deviation from an approved Permit or
5 Reclamation Plan which does not change the basic concept or use allowed by the
6 original approval and that meets the additional requirements set forth in Section 18
7 of this ordinance.
- 8 I. Significantly Expanded Surface Mining Operation. The physical expansion of a
9 legally existing surface mining operation, operating under a valid Permit that
10 cumulatively increases the size of the area under the Permit by more than ten (10)
11 percent of square footage of the existing surface mining operation or total volume of
12 the mineral reserves, whichever is lower.
- 13 J. SMARA. The California Surface Mining and Reclamation Act of 1975 (Pub.
14 Resources Code, § 2710 et seq.).
- 15 K. SMARA Regulations. The state regulations adopted in accordance with SMARA
16 (Cal. Code Regs., tit. 14, § 3500 et seq.).
- 17 L. Substantial Conformance. A proposed amendment to an approved Permit or
18 Reclamation Plan that meets the additional requirements set forth in Section 18 of
19 this ordinance.
- 20 M. Substantial Deviation. A change or expansion to a surface mining operation as
21 defined in Public Resources Code section 2735 that substantially affects the
22 completion of the previously approved Reclamation Plan, or that changes the end use
23 of the approved Reclamation Plan to the extent that the scope of the reclamation
24 required for the surface mining operation is substantially changed.
- 25 N. Topsoil. The upper part of the soil profile that is relatively rich in humus, which is
26 technically known as the A-horizon of the soil profile.
- 27 O. TLMA. The County Transportation and Land Management Agency.
- 28 P. Vested Right. A right to conduct surface mining operations that existed lawfully

1 before an intervening change in the law that would otherwise preclude those
2 operations, or require a permit to conduct those operations, and that meets the
3 requirements for vested rights set forth in Section 2776 of the Public Resources Code.

4 Section 5. EXEMPTIONS AND EXCEPTIONS. The provisions of this ordinance do not
5 apply to the exceptions and exemptions set forth in Public Resources Code section 2714.

6 Section 6. PERMIT REQUIRED. Unless exempted by the provisions of Section 5 or
7 Section 17, no person, firm, corporation or private association shall conduct surface mining operations in
8 the unincorporated area of the County of Riverside without an approved Permit.

9 Section 7. APPLICATION PROCESS.

10 A. Prior to submitting an application for a Permit, the person, firm, corporation or
11 private association seeking to obtain such Permit may comply with the pre-
12 application review procedure described in Ordinance No. 752 to the extent that such
13 procedure is applicable.

14 B. All applications for a Permit, revised Permit, Substantial Conformance to a Permit,
15 Interim Management Plan, Reclamation Plan, Revised Reclamation Plan, or
16 Reclamation Plan Substantial Conformance shall be made in writing to the Assistant
17 TLMA Director on the forms provided by the Planning Department with the
18 appropriate filing fees and include a Project Description, a mining plan, and a
19 Reclamation Plan. The application shall provide all information and data required
20 by Section 2772 of the Public Resources Code, all information required by the
21 SMARA Regulations, all information indicated in Sections 8 and 9 of this ordinance,
22 all information indicated in the Planning Department's Application for Surface
23 Mining Permit/Reclamation Plan, and such additional information as may be
24 reasonably required by the Assistant TLMA Director. The time limitations for
25 approving or denying a Permit, Interim Management Plan, Reclamation Plan, or
26 Revised Reclamation Plan shall not begin to run until all procedures under CEQA
27 have been completed. All applications for a stand-alone Reclamation Plan,
28 associated vested mining operation, mining operation on federal property, or County-

1 operated mining facility shall include a financial assurance cost estimate, an estimate
2 of reclamation costs, all information and data required by Section 2772 of the Public
3 Resources Code, all information required by the SMARA Regulations, all
4 information indicated in Sections 8 and 9 of this ordinance, and such additional
5 information as may be reasonably required by the Assistant TLMA Director.

6 C. An applicant for any new Permit or Revised Permit that qualifies as a Significantly
7 Expanded Surface Mining Operation under this ordinance shall select and fully
8 comply with one of the following:

9 1. Submit an application for a development agreement, which would then be
10 processed in accordance with all applicable ordinances, provisions,
11 procedures, and policies relating to development agreements, which shall be
12 approved before or concurrently with the new Permit or Revised Permit that
13 qualifies as a Significantly Expanded Surface Mining Operation.

14 2. Agree to a condition of approval requiring compliance with the Road Impact
15 Assessment program, further described in the Board of Supervisors Policy
16 establishing Guidelines for Processing Surface Mining Permits for New and
17 Significantly Expanded Surface Mining Operations, consistent with all
18 applicable ordinances, provisions, procedures, and policies,.

19 D. Before approving or holding a public hearing concerning the Reclamation Plan,
20 amendment to a Reclamation Plan, or financial assurances for a new Reclamation
21 Plan or amendment to a Reclamation Plan, the County shall submit the financial
22 assurance cost estimate and the Reclamation Plan or amendment to the Director for
23 review pursuant to Public Resources Code sections 2772.1 and 2773.4(a). All
24 documentation for that submission shall be submitted to the Director at one time. In
25 making this submittal, the Assistant TLMA Director shall certify to the Director that
26 the Reclamation Plan or amendment to the Reclamation Plan is in compliance with
27 the applicable requirements of SMARA, the SMARA Regulations, and this
28 ordinance and that the financial assurance cost estimate is adequate, complete, and

1 consistent with SMARA, the SMARA Regulations, and this ordinance.

2 E. Following receipt of the Director's comments concerning the Reclamation Plan, plan
3 amendment, or financial assurance cost estimate in accordance with the applicable
4 schedule set forth in Public Resources Code sections 2772.1(b) or 2773.4(c), the
5 County shall, within a reasonable amount of time, prepare a written response
6 describing the disposition of the major issues raised by the Director's comments, and
7 shall submit the County's proposed response to the Director at least 30 days prior to
8 the public hearing concerning the Reclamation Plan or plan amendment, or 30 days
9 prior to the approval of financial assurance cost estimate. The County's response to
10 the Director's comments shall describe how the County proposes to adopt the
11 Director's comments to the Reclamation Plan, plan amendment, or financial
12 assurance cost estimate. If the County does not propose to adopt the Director's
13 comments, the County shall specify, in detail, why it proposes not to adopt the
14 comments.

15 1. If the Director submits a written request for consultation on the financial
16 assurance cost estimate in accordance with Public Resources Code section
17 2774.3(c), the County shall not approve the financial assurance cost estimate
18 until after consulting with the Director. Such consultation shall occur no later
19 than 30 days after the Director's request unless an alternate timeframe is
20 mutually agreed upon by the Director, the County, and the Operator.

21 2. The County shall give the Director at least 30 days' notice of the time, place,
22 and date of any hearing at which the financial assurance cost estimate is
23 scheduled to be approved by the County. If no hearing is required, then the
24 County shall provide 30 days' notice to the Director that it intends to approve
25 the financial assurance cost estimate. Within 30 days of approving a financial
26 assurance cost estimate, the County shall send to the Director its final
27 response to the Director's comments.

28 3. The Assistant TLMA Director shall forward to the Operator copies of any

1 written comments received and responses prepared by the County relating to
2 the financial assurance cost estimate.

- 3 F. Upon completion of all procedures for review of an application, including but not
4 limited to notification to the Director and response to the comments of the Director
5 as provided in Sections 7.D. and 7.E., above, a public hearing will be held before the
6 Planning Commission or Board of Supervisors, as hereinafter provided.
- 7 G. Notwithstanding the above, or any other provision herein to the contrary, the Board
8 of Supervisors reserves exclusively to itself the duty to investigate, hear, approve,
9 conditionally approve or disapprove all Permits and Reclamation Plans including any
10 modifications to said Permits and Reclamation Plans included as part of a fast track
11 project as defined by Ordinance No. 348. A Permit or Reclamation Plan, including
12 any modifications to said Permits or Reclamation Plans, may only be awarded fast
13 track processing by a majority vote of the Board of Supervisors.

14 Section 8. MINING PLAN. In addition to the requirements set forth in the County's
15 Application for Surface Mining Permit, the mining plan shall, at a minimum:

- 16 A. Indicate the progression of all operations of the facility indicating anticipated time
17 frames for each phase and the estimated life of the operation;
- 18 B. Show the location of equipment, offices, stockpiles, settling ponds, interim drainage,
19 machinery and wastedumps, parking, and areas to be mined;
- 20 C. Indicate the progression of stripping and excavating through the use of cross sections,
21 elevations and topographic maps and include a detailed description of how Topsoil
22 will be recovered and protected for use in mine reclamation;
- 23 D. Indicate the time lag between mining and reclamation and equipment siting and
24 removal and/or relocation;
- 25 E. Discuss the method of handling simultaneous excavation and reclamation if
26 applicable;
- 27 F. Show the location of all streams, roads, railroads, sewage disposal systems, water
28 wells, and utility facilities within 500 feet of the site and the location of all proposed

1 access roads to be constructed in conducting the surface mining operation;

- 2 G. Indicate the type of and amount of mineral commodities to be removed, the amount
3 of mining waste to be retained on the site and the amount of mining waste to be
4 disposed offsite including the method and location of disposal of said mining waste;
5 and
6 H. Indicate the location and associated details of the required revegetation test plot or
7 plots, specifying all revegetation success criteria, as appropriate.

8 Section 9. RECLAMATION PLAN. In addition to all other requirements, including
9 those set forth in Public Resources Code section 2772 and California Code of Regulations, title 14, section
10 3502, the Reclamation Plan, at a minimum, shall:

- 11 A. Indicate the methods to be used to reclaim the land.
12 B. If phasing is proposed, include a detailed schedule of the sequence and timing of all
13 stages of the reclamation.
14 C. Describe the physical condition of the mine site upon the completion of all
15 reclamation including the proposed uses or potential uses of the reclaimed site.
16 D. Contain a map that delineates through the use of cross sections and elevations the
17 physical characteristics of the land that will exist upon the conclusion of reclamation,
18 as well as a topographic map showing the location of the reclaimed land.
19 E. Describe the manner in which derelict machinery, mining waste and scraps will be
20 removed from the mine site and how contaminants will be controlled.
21 F. Describe the methods to be used to ensure that the mine site will contain stable waste
22 piles and slopes.
23 G. Describe how reclamation of the mine site may affect the future use of the site and
24 surrounding area for mining purposes.
25 H. Show that the proposed site in its final form will be, to the extent reasonable and
26 practicable, revegetated for soil stabilization, free of drainage and erosion problems,
27 coordinated with present and anticipated future land use, and compatible with the
28 topography and general environment of surrounding property.

1 I. Include all of the following, to the extent the required information or document is not
2 already included in the mining plan and incorporated by reference in the Reclamation
3 Plan:

- 4 1. The name and address of the Operator and the names and addresses of any
5 persons designated by the Operator as an agent for the service of process;
- 6 2. The anticipated quantity and type of materials for which the surface mining
7 operation is to be conducted;
- 8 3. The proposed dates for the initiation and termination of the surface mining
9 operation;
- 10 4. The maximum anticipated depth of the surface mining operation;
- 11 5. The size and legal description of the lands that will be affected by the surface
12 mining operation, a map that includes the boundaries and topographic details
13 of the lands, a description of the general geology of the area, a detailed
14 description of the geology of the area in which surface mining is to be
15 conducted, the location of all streams, roads, railroads, and utility facilities
16 within, or adjacent to, the lands, the location of all proposed access roads to
17 be constructed in conducting the surface mining operation, and the names and
18 addresses of the owners of all surface interests and mineral interests in the
19 lands;
- 20 6. A description of, and a plan for, the type of surface mining to be employed,
21 and a time schedule that will provide for the completion of surface mining on
22 each segment of the mined lands so that reclamation can be initiated at the
23 earliest possible time on those portions of the mined lands that will not be
24 subject to further disturbance by the surface mining operation;
- 25 7. A description of the proposed use or potential uses of the mined lands after
26 reclamation and evidence that all owners of a possessory interest in the land
27 have been notified of the proposed use or potential uses;
- 28 8. A description of the manner in which reclamation, adequate for the proposed

1 use or potential uses, will be accomplished, including both of the following:

2 a. A description of the manner in which contaminants will be controlled,
3 and mining waste will be disposed; and

4 b. A description of the manner in which affected streambed channels
5 and streambanks will be rehabilitated to a condition minimizing
6 erosion and sedimentation will occur;

7 9. An assessment of the effect of implementation of the Reclamation Plan on
8 future mining in the area;

9 10. A statement that the person submitting the Reclamation Plan accepts
10 responsibility for reclaiming the mined lands in accordance with the
11 Reclamation Plan; and

12 11. Any other information required in the County's Application for Surface
13 Mining Permit or by SMARA or the SMARA Regulations.

14 J. Indicate, pursuant to California Code of Regulations, Title 14, section 3705(b), the
15 location and associated details of the required revegetation test plot or plots,
16 specifying revegetation success criteria, as appropriate.

17 K. For gold, silver, copper or other metallic mineral operations that are located on or
18 within one mile of any Native American sacred site and that are located in an area of
19 special concern, as those terms are defined in Public Resources Code section 2773.3,
20 the Reclamation Plan must contain commitments to backfill and grade all
21 excavations to achieve the approximate original contours of the mined lands prior to
22 mining and to grade all mined materials that are in excess of the materials that can
23 be placed back into the excavated area, including, but not limited to, all overburden,
24 spoil piles, and heap leach piles, over the project site to achieve the approximate
25 original contours of the mined lands prior to mining.

26 Section 10. PUBLIC HEARINGS, NON-FAST TRACK PROJECTS. For projects other
27 than fast track projects, a public hearing before the Planning Commission shall be held in accordance with
28 the provisions set forth below to consider: the granting, suspension, or revocation of a Permit or Revised

1 Permit; the approval of a Reclamation Plan or Reclamation Plan amendment; an Operator's financial
2 capability of a performing reclamation; or abandonment of a surface mining operation without completing
3 reclamation:

4 A. Notice of the time, date and place of the public hearing, including a general
5 description of the area and mining operation being considered, shall be given at least
6 10 days prior to the hearing by all of the following procedures:

- 7 1. Mailing to all owners of real property which is located within 600 feet of the
8 exterior boundaries of the proposed project, as such owners are shown on the
9 last equalized assessment roll.
- 10 2. Mailing or delivering to the Operator and the owner of the subject real
11 property or the owner's duly authorized agent.
- 12 3. Publication once in a newspaper of general circulation in the County.
- 13 4. The Assistant TLMA Director may require additional notice be given by
14 posting in conspicuous places close to the property affected and may require
15 notification to property owners along proposed local transportation routes.

16 B. In addition to the notice required by the preceding paragraph, when the hearing
17 concerns the approval of a Reclamation Plan or Reclamation Plan amendment, an
18 Operator's financial capability of performing reclamation, or the abandonment of a
19 surface mining operation without completing reclamation, the County shall give the
20 Director at least 30 days' written notice of the time, place, and date of the public
21 hearing. When the hearing concerns an Operator's financial capability of performing
22 reclamation or the abandonment of a surface mining operation without completing
23 reclamation, the County shall also give the Operator at least 30 days' written notice
24 of the time, place, and date of the hearing.

25 C. At the public hearing, the Planning Commission shall hear relevant testimony from
26 interested persons and, within a reasonable time after the close of the hearing, make
27 its decision, provided, however, that an application for a Permit shall not be granted
28 unless that it complies with Section 12 herein and it is expressly subject to such

1 conditions as are necessary to protect the health, safety or general welfare of the
2 community.

3 D. The decision of the Planning Commission and the reasons for the decision shall be
4 reduced to writing and shall be filed by the Assistant TLMA Director with the Clerk
5 of the Board of Supervisors, together with a report of the proceedings, not more than
6 30 days after the decision. A copy of the notice of the decision shall be mailed to the
7 applicant and to any person who has made a written request for a copy of the decision.
8 If the Planning Commission is unable to make a decision, that fact shall be filed with
9 the Clerk of the Board in the same manner for reporting decisions and shall be
10 considered as notice of denial of the application. The Clerk of the Board shall place
11 the notice of the decision on the next agenda of the Board of Supervisors held 5 or
12 more days after the Clerk receives the notice of the decision from the Assistant
13 TLMA Director.

14 E. The decision of the Planning Commission is considered final and no action by the
15 Board of Supervisors is required unless: (1) the decision is regarding a Permit that
16 requires approval of a general plan amendment, a specific plan amendment, or a
17 change of zone, in which case it shall be heard in accordance with the provisions of
18 Ordinance No. 348 related to those legislative actions, and all of those procedural
19 requirements and rights of appeal as set forth therein shall govern; (2) a development
20 agreement is also being processed, in which case the proposed development
21 agreement shall be processed and heard concurrently with the Permit or Revised
22 Permit; (3) within 10 days after the notice of decision appears on the Board's agenda,
23 the applicant or an interested person files an appeal, accompanied by the appropriate
24 appeal filing fee in the amount set pursuant to Section 21 of this ordinance; or (4)
25 unless the Board assumes jurisdiction by ordering the matter set for public hearing.

26 F. If a timely appeal is filed or the Board assumes jurisdiction, the Clerk of the Board
27 shall set the matter for public hearing before the Board not less than 13 nor more than
28 60 days thereafter, and shall give notice of the time and place of the hearing in the

1 same manner as notice was given of the hearing before the Planning Commission.

2 G. At the appeal hearing before the Board of Supervisors, the Board shall hear the matter
3 de novo; however, the documents and the minutes of the hearing before the Planning
4 Commission shall be a part of the Board's record at its hearing on the matter. The
5 Board shall hear relevant testimony from interested persons and, within a reasonable
6 time after the close of the hearing, make its decision sustaining, reversing or
7 modifying the decision of the Planning Commission.

8 Section 11. PUBLIC HEARINGS, FAST TRACK PROJECTS. For Permits and
9 Reclamation Plans that qualify as a fast track project as defined by Ordinance No. 348, a public hearing
10 shall be held in accordance with the provisions of Ordinance No. 348 related to fast track projects. At the
11 public hearing, the Board of Supervisors shall hear relevant testimony from interested persons and, within
12 a reasonable time after the close of the hearing, make its decision, provided, however, that an application
13 for a Permit shall not be granted unless that Permit is expressly subject to such conditions as are necessary
14 to protect the health, safety or general welfare of the community. The decision of the Board of Supervisors
15 and the reasons for the decision shall be reduced to writing and a copy of the notice of the decision shall be
16 mailed to the applicant and to any person who has made a written request for a copy of the decision. The
17 decision of the Board of Supervisors shall be final.

18 Section 12. APPROVAL REQUIREMENTS. All decisions on Permits and Reclamation
19 Plans shall be supported by findings. No Reclamation Plan shall be approved unless the finding is made
20 that it substantially meets the applicable requirements of SMARA and this ordinance.

21 A. No Permit shall be approved unless the following findings are made:

- 22 1. The Permit substantially meets the applicable requirements of SMARA and
23 this ordinance.
- 24 2. The Permit is consistent with the General Plan and any applicable specific
25 plan.
- 26 3. The Permit will not be detrimental to the public health, safety or general
27 welfare.
28

1 4. The Permit complies with all requirements of law including all applicable
2 County ordinances, policies and standards.

3 In addition to the conditions set forth in Sections 13 and 14 of this ordinance, a Permit
4 shall be subject to all conditions necessary or convenient to assure that the use will
5 satisfy the foregoing findings. As a condition of each Permit, an expiration date of
6 the Permit may also be specified.

7 B. Following the approval of a Reclamation Plan or an amendment to a Reclamation
8 Plan, the County shall cause a "Notice of Reclamation Plan Approval" to be recorded
9 with the County Recorder in accordance with Public Resources Code section 2772.7.
10 The notice shall include the language set forth in Public Resources Code section
11 2772.7 and state the name of the owner of record of the mining operation, identify
12 the County as lead agency under SMARA for the operation, contain the
13 acknowledged signature of the Assistant TLMA Director, and include any other
14 information required under Public Resources Code section 2772.7.

15 C. Within 30 days following the approval of a Reclamation Plan or amendment to a
16 Reclamation Plan, the Assistant TLMA Director shall provide the Director notice of
17 the approval.

18 D. No later than 60 days after the approval of a Reclamation Plan or amendment to a
19 Reclamation Plan, the Assistant TLMA Director shall provide to the Director
20 certified copies of all maps, diagrams, or calculations, signed and sealed, and provide
21 an official copy of the approved Reclamation Plan or amendment to a Reclamation
22 Plan. The official copy shall incorporate all approved modifications to the
23 Reclamation Plan or amendment to a Reclamation Plan and shall include an index
24 showing any Permit conditions of approval or binding mitigation measures adopted
25 pursuant to CEQA as required under Public Resources Code section 2772.1. Those

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1 conditions of approval and mitigation measures shall be included in an appendix to
2 the Reclamation Plan or amendment to a Reclamation Plan and shall be considered
3 part of the reclamation compliance requirements and subject to the annual inspection
4 requirements.

5 Section 13. INSPECTIONS. As a condition of each Permit, annual inspections and
6 reports of mining and reclamation activities shall be required of the Operator. Such inspections and reports
7 shall comply with the following provisions:

8 A. The Assistant TLMA Director shall cause an inspection to be conducted in intervals
9 of no more than 12 months to determine whether the surface mining operation is in
10 compliance with SMARA and the surface mining operation's approved Permit; its
11 approved Reclamation Plan; or, in the case of an idle mine, with its approved interim
12 management plan; and to determine whether the approved financial assurances are
13 adequate to achieve reclamation in accordance with the approved Reclamation Plan.
14 Said inspection shall be conducted under the supervision of a qualified individual
15 with experience in land reclamation who meets the qualifications of Section 2774 of
16 the Public Resources Code and California Code of Regulations, title 14, section
17 3504.5. The Operator shall be solely responsible for the reasonable cost of the
18 inspection. All inspections shall be conducted using a form approved by the State
19 Mining and Geology Board. The Assistant TLMA Director shall provide a notice of
20 completion of inspection to the Director within 90 days of conducting the inspection.
21 The notice shall contain a statement regarding the surface mining operation's
22 compliance with SMARA and a copy of the completed inspection form, and shall
23 specify, as applicable, all of the following:

- 24 1. Aspects of the surface mining operation, if any, that were found to be
25 inconsistent with SMARA but were corrected before the submission of the
26 inspection form to the Director;

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- 1 2. Aspects of the surface mining operation, if any, that were found to be
- 2 inconsistent with SMARA but were not corrected before the submission of
- 3 the inspection form to the Director;
- 4 3. A statement describing the County's intended response to any aspects of the
- 5 surface mining operation found to be inconsistent with SMARA but that were
- 6 not corrected before the submission of the inspection form to the Director;
- 7 and
- 8 4. If the surface mining operation has a review of its Reclamation Plan, financial
- 9 assurances, or interim management plan pending or an appeal pending before
- 10 the State Mining and Geology Board or the County.

11 B. Annually by July 1st, Operators shall submit to the Planning Department the

12 documentation requested by the Planning Department to support its conducting the

13 required annual mine inspection pursuant to Public Resources Code section 2774(b).

14 C. Annually by July 1st, Operators shall submit an Operator's report pursuant to Public

15 Resources Code section 2207(b). The Operator may request an inspection date on

16 its annual Operator's report. If the Operator does not, or if the County is unable to

17 cause the inspection of the surface mining operation on the date requested by the

18 Operator, the County shall provide the Operator with a minimum of five days'

19 written notice of a pending inspection, or within any lesser period agreed to by the

20 Operator. New surface mining operations shall submit an initial report prior to

21 commencement of operations.

22 D. Annually by July 1st, Operators shall pay to the Planning Department a mine

23 inspection fee in the amount set pursuant to Section 21 of this ordinance. In the case

24 of late payment of the mine inspection fee, a penalty of not less than one hundred

25 dollars (\$100) or 10 percent of the amount due, whichever is greater, plus interest at

26 a rate of 1½ percent per month, computed from the delinquent date of the assessment

27 until and including the date of payment, shall be assessed. Annual inspections shall

28 occur regardless of the receipt of a mine inspection fee or late payment penalty.

1 E. In addition to the Mine Inspection Fee, annually by July 1st, Operators shall also pay
2 to the Planning Department a mine administrative fee in the amount set pursuant to
3 Section 21 of this ordinance.

4 F. Annually by July 1st, the County shall submit to the Director for each active or idle
5 surface mining operation within the County's jurisdiction the following information:

- 6 1. A copy of any Permit or Reclamation Plan amendment, as applicable;
- 7 2. A statement that there have been no changes made during the previous year,
8 as applicable;
- 9 3. The date of each surface mining operation's last inspection; and
- 10 4. The date of each surface mining operation's last financial assurance review.

11 Section 14. FINANCIAL ASSURANCES. As a condition of each Permit, financial
12 assurances to ensure reclamation is performed in accordance with the approved Reclamation Plan shall be
13 required of the Operator as follows:

14 A. Prior to the commencement of the surface mining operation, the Operator shall post
15 with the Assistant TLMA Director a financial assurance. The financial assurance
16 shall be one of the following:

- 17 1. A bond or bonds executed by an admitted surety insurer as defined in Code
18 of Civil Procedure section 995.120(a);
- 19 2. An irrevocable letter of credit from one or more financial institutions subject
20 to regulation by the state or federal government and pledging that the funds
21 necessary to carry out the approved Reclamation Plan are on deposit and
22 guaranteed for payment;
- 23 3. A cash deposit to be deposited into a trust fund; or
- 24 4. Any other financial assurance specified by the State Mining and Geology
25 Board pursuant to Section 2773.1(e) or Section 2773.1.5 of the Public
26 Resources Code.

27 B. The amount of the financial assurances shall be adequate to perform reclamation in
28 accordance with the surface mining operation's approved Reclamation Plan. The

1 amount of financial assurances required for any one year shall be reviewed and, if
2 necessary, adjusted once each calendar year to account for new lands disturbed by
3 surface mining operations, inflation, and reclamation of lands accomplished in
4 accordance with the approved Reclamation Plan. Said adjustment shall be based
5 upon an independent estimate prepared by a person experienced in estimating
6 financial assurances or other qualified professional and shall be paid for by the
7 Operator. An Operator shall be required to replace an approved financial assurance
8 mechanism to bond for the reclamation of the surface mining operation only if the
9 financial assurance cost estimate identifies a need to increase the amount of the
10 financial assurance mechanism.

11 C. Each financial assurance mechanism shall be made payable to the County and the
12 Department of Conservation and shall remain in effect for the duration of the surface
13 mining operation and any additional period until reclamation is completed.

14 D. Within 30 days of completion of an annual inspection under Section 13 herein, the
15 Operator shall provide an annual financial assurance cost estimate to the Assistant
16 TLMA Director. If the annual inspection does not take place on the date requested
17 by the Operator or on the date set by the County, the Operator shall provide the
18 annual financial assurance cost estimate to the Assistant TLMA Director for review
19 within 30 days of the applicable inspection date, unless the inspection occurs within
20 that 30-day period, in which case the Operator shall provide the annual financial
21 assurance cost estimate to the Assistant TLMA Director within 30 days of the date
22 of the actual inspection.

23 E. Within 60 days of receiving an annual financial assurance cost estimate, the Assistant
24 TLMA Director shall deny the financial assurance cost estimate or shall submit the
25 financial assurance cost estimate to the Director for review.

26 1. The Assistant TLMA Director may deny the financial assurance cost estimate
27 on the basis that the financial assurance cost estimate is inadequate. The
28 Assistant TLMA Director must specify the reasons for that determination.

- 1 2. An Operator whose financial assurance cost estimate is denied shall have 30
2 days to appeal that denial to the State Mining and Geology Board pursuant to
3 Public Resources Code section 2770(e) or to provide the Assistant TLMA
4 Director with a revised financial assurance cost estimate incorporating the
5 suggested changes for approval by the Assistant TLMA Director.
- 6 3. When the financial assurance cost estimate is submitted to the Director for
7 review, the Assistant TLMA Director shall also provide the Director with a
8 determination that the annual financial assurance cost estimate submitted is
9 adequate, complete, and consistent with SMARA and the SMARA
10 Regulations. The Assistant TLMA Director shall submit all required
11 documentation to the Director at one time. Within 30 days of receiving any
12 written comments on the annual financial assurance cost estimate from the
13 Director, the Assistant TLMA Director shall evaluate those comments and
14 provide the Director and the Operator with a proposed response. This
15 proposed response must be submitted to the Director at least 30 days prior to
16 the County's approval of the annual financial cost estimate and shall include
17 either of the following:
- 18 a. A description of how the County proposes to adopt the Director's
19 comments on the annual financial assurance cost estimate, or
20 b. A detailed description of the reasons why the County proposes not to
21 adopt the Director's comments.
- 22 4. If the County proposes not to adopt the Director's comments concerning the
23 financial assurance cost estimate, within 15 days of receipt of the County's
24 written response, the Director may request in writing consultation with the
25 County. If the Director timely requests such consultation, the County shall
26 not approve the annual financial assurance cost estimate until after consulting
27 with the Director. Such consultation shall occur not later than 30 days after
28

1 the Director's request, unless an alternative timeframe is mutually agreed
2 upon by the Director, Assistant TLMA Director, and Operator.

3 5. Within 60 days of receiving the Director's written comments, or of
4 consultation pursuant to the preceding subsection, whichever is later, or the
5 due date of the Director's written comments if none are received, the County
6 shall approve or deny the Operator's financial assurance cost estimate.

7 6. The County shall give the Director at least 30 days' notice of the time, place,
8 and date of the hearing at which the annual financial assurance cost estimate
9 is scheduled to be approved by the County. If no hearing is required, the
10 County shall provide 30 days' notice to the Director that it intends to approve
11 the annual financial assurance cost estimate.

12 7. Within 30 days of the County's approval of the annual financial assurance
13 cost estimate, the County shall send to the Director the County's final
14 response to the Director's comments.

15 8. The Assistant TLMA Director shall send to the Operator copies of any written
16 comments received and all responses prepared by the County relating to the
17 annual financial assurance cost estimate.

18 F. Within 30 days of the County's approval of the financial assurance cost estimate, the
19 Operator shall provide the Planning Department and the Director an appropriate
20 financial assurance mechanism.

21 1. Within 15 days of receiving a financial assurance mechanism, the Assistant
22 TLMA Director and the Director shall review the financial assurance
23 mechanism to determine if the type of mechanism, including the release
24 instructions, meets the requirements of SMARA and this ordinance.

25 2. The Assistant TLMA Director shall return to the Operator any financial
26 assurance mechanism determined to be noncompliant with SMARA or this
27 ordinance, with instructions on how to correct the type of financial assurance
28 mechanism or the financial assurance mechanism's release instructions.

1
2 G. If the Planning Commission, following a public hearing in accordance with the
3 procedures set forth in Section 10 of this ordinance, determines that the Operator is
4 financially incapable of completing reclamation in accordance with its approved
5 Reclamation Plan or has abandoned its surface mining operation without completing
6 reclamation, the Assistant TLMA Director shall:

- 7 1. Notify the Operator by personal service or certified mail that the County
8 intends to take appropriate action to forfeit the financial assurance and
9 specify the reasons for so doing.
- 10 2. Proceed to take appropriate action to require forfeiture of the financial
11 assurance.
- 12 3. Use the proceeds from the forfeited financial assurance to conduct and
13 complete reclamation in accordance with the approved Reclamation Plan. If
14 the surface mining operation cannot be reclaimed in accordance with its
15 approved Reclamation Plan, or the financial assurances are inadequate to
16 reclaim it in accordance with its approved Reclamation Plan, the County may
17 use forfeited financial assurances to reclaim or remediate mining
18 disturbances as appropriate for the site conditions as determined by the
19 County and the Director. The Operator shall be responsible for the costs of
20 conducting and completing reclamation in accordance with the approved
21 Reclamation Plan, or an approved remediation plan developed pursuant to
22 this subsection, that are in excess of the proceeds from the forfeited financial
23 assurance.

24 H. Upon completion of reclamation in accordance with the approved Reclamation Plan,
25 and with written concurrence of the County and the Director, the financial assurance
26 shall be released. Such written concurrence shall be forwarded to the Operator and
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1 the institutions providing or holding the financial assurance mechanism and shall
2 state that reclamation has been completed in accordance with the approved
3 Reclamation Plan.

- 4 I. If a surface mining operation is sold or ownership is transferred to another person,
5 the Operator shall comply with the requirements of Section 20 of this ordinance.

6 Section 15. VIOLATIONS AND PENALTIES.

- 7 A. If, after conducting the annual inspection required by Section 13 or otherwise
8 confirmed by an inspection of the mining operation, the Assistant TLMA Director
9 finds that the surface mining operation is not in compliance with the approved mining
10 plan, the approved Reclamation Plan, any Permit conditions imposed by the County,
11 the provisions of this ordinance, or SMARA, the Assistant TLMA Director may issue
12 to the Operator a notice of violation, for a SMARA violation; a notice of permit
13 violation, for a violation of permit conditions; or both. Any such notice shall be sent
14 to the Operator by personal service or certified mail. A copy of such notice shall also
15 be sent to the Director.

- 16 1. A notice of violation or a notice of permit violation shall include both of the
17 following:
18 a. A description of the violation; and
19 b. Actions the Operator must take to correct the violation.
20 2. If the Assistant TLMA Director or the Director determines that the time to
21 correct the noticed violation will exceed 30 days, the County and the Operator
22 may enter into a stipulated order to comply, which the Assistant TLMA
23 Director is authorized to sign on behalf of the County, with a notice sent to
24 the Director. Such stipulated order shall include a schedule and time for
25 compliance that the Assistant TLMA Director has determined is reasonable
26 after taking into account the actions and legal processes required to correct
27 the violation.
28

1 B. If, within 30 days of being served with a notice of violation or notice of permit
2 violation, the Operator does not comply with it or commit to enter into a stipulated
3 order, the Assistant TLMA Director may issue an order to comply. Any such order
4 shall be sent by personal service or certified mail.

5 1. The order to comply shall specify all of the following:

6 a. Which aspects of the surface mine's activities or operations are
7 inconsistent with the Permit, approved Reclamation Plan, Permit
8 conditions, the provisions of this ordinance, or SMARA;

9 b. The actions and legal processes required to correct the alleged
10 violation; and

11 c. A time for compliance that the Assistant TLMA Director determines
12 is reasonable, given the seriousness of the alleged violation and any
13 good faith efforts to comply with applicable requirements. If the
14 Operator does not have an approved Reclamation Plan, the order to
15 comply may order the Operator to immediately cease all further
16 mining activities.

17 2. An order to comply shall take effect 30 days following the service of the order
18 to comply unless within those 30 days the Operator appeals the order to
19 comply and requests a hearing before the Planning Commission.

20 a. Such appeal shall be noticed and heard at a public hearing within 45
21 days of the filing of the appeal or a longer period as may be mutually
22 agreed upon by the Operator and the Assistant TLMA Director. At
23 such hearing, the Planning Commission shall hear all relevant
24 testimony from interested persons and, after closing the public
25 hearing, shall affirm, modify or set aside the order to comply issued
26 by the Assistant TLMA Director.

27 b. If the surface mining operation fails to comply with the order affirmed
28 or modified by the Planning Commission, the Planning Commission

1 may revoke or suspend the Operator's Permit in accordance with the
2 procedures set forth in Section 10 of this ordinance, and all of the
3 procedural requirements and rights of appeal as set forth therein shall
4 govern the hearing.

5 C. For an Operator who violates or fails to comply with the order to comply, who fails
6 to submit an annual report, or who fails to pay annual fees, the Assistant TLMA
7 Director shall impose an administrative penalty of not more than five thousand
8 dollars (\$5,000) per day, assessed from the original date of noncompliance or from
9 the date of the inspection when the violation was identified, at the discretion of the
10 Assistant TLMA Director.

11 1. In determining the amount of the administrative penalty, the Assistant TLMA
12 Director shall take into consideration the nature, circumstances, extent, and
13 gravity of the violation or violations, any prior history of violations, the
14 degree of culpability, economic savings, if any, resulting from the violation,
15 and any other matters justice may require.

16 2. The Assistant TLMA Director's order setting administrative penalties shall
17 become effective upon issuance of the order, and payment shall be made to
18 the County within 30 days, unless the Operator petitions the Board of
19 Supervisors as provided in paragraph 15.D. below. An order shall be served
20 by personal service or by certified mail upon the Operator.

21 D. An Operator may file a petition with the Board of Supervisors for review of the
22 Assistant TLMA Director's order imposing an administrative penalty. If no such
23 petition is filed within 30 days of the order, the order is final and is not subject to
24 review by any court or agency.

25 1. A petition for review can only be accepted for filing if it is timely, utilizes a
26 County-approved form, and is accompanied by the required petition fee in
27 the amount set pursuant to Section 21 of this ordinance.
28

1 2. If the petition for review meets the standards set forth in this subsection, the
2 Clerk of the Board shall set the matter for a public hearing before the Board
3 of Supervisors to review the Assistant TLMA Director's order imposing an
4 administrative penalty. The Operator shall be notified by either personal
5 service or certified mail of the time, date, and place for the public hearing at
6 which the Board of Supervisors shall review the Assistant TLMA Director's
7 order imposing an administrative penalty. In reviewing said order, the record
8 shall consist of the record before the Assistant TLMA Director and any other
9 relevant evidence which, in the judgment of the Board of Supervisors, should
10 be considered to effectuate and implement the policies of SMARA and this
11 ordinance.

12 3. The Board of Supervisors may affirm, modify, or set aside, in whole or in
13 part, by its own order, any order of the Assistant TLMA Director imposing
14 an administrative penalty. Any order of the Board of Supervisors shall be
15 served by personal service or certified mail upon the Operator.

16 4. The Board of Supervisor's order shall become effective upon its issuance
17 unless the Operator files a timely petition for writ of mandate in the superior
18 court. Such petition shall be timely only if filed within 30 days of the Board's
19 issuance of the order. Payment of any administrative penalty that is specified
20 in the Board of Supervisor's order shall be made to the County within 30 days
21 of service of the order whether or not a petition has been filed; however, the
22 payment shall be held in an interest-bearing impound account pending
23 resolution of a petition for writ of mandate if one has been filed. If no timely
24 petition is filed, the Board of Supervisor's order shall not be subject to review
25 by any court or agency.

26 E. The procedures, remedies and additional penalties for violation of this ordinance and
27 for recovery of costs related to enforcement are also provided for in Ordinance No.
28 725, which is incorporated herein by this reference. Penalties collected pursuant to

1 this section shall not be used for purposes other than to cover the reasonable costs
2 incurred by the County in implementing this ordinance, SMARA, or the SMARA
3 Regulations.

4 F. Whether or not administrative penalties have been imposed, the Planning
5 Commission may revoke or suspend the Operator's Permit in accordance with the
6 procedures set forth in Section 10 of this ordinance, and all of the procedural
7 requirements and rights of appeal as set forth therein shall govern the hearing.

8 G. If the Assistant TLMA Director determines that a surface mining operation is not in
9 compliance with SMARA such that the surface mining operation presents an
10 imminent and substantial endangerment to the public health or the environment, the
11 Assistant TLMA Director may seek an order from the Superior Court of the County
12 of Riverside or other court of competent jurisdiction enjoining that operation.

13 Section 16. USE. Any Permit that is granted shall be used within eight (8) years from the
14 effective date thereof, or within the time limit set forth in the conditions of approval, and pursued diligently
15 to completion; otherwise, such Permit shall be null and void. The term "used" shall mean the beginning of
16 site disturbance and development as part of a surface mining operation that is authorized under this
17 ordinance and applicable provisions of SMARA.

18 Section 17. VESTED RIGHTS.

19 A. No person who has obtained a Vested Right to conduct surface mining operations
20 prior to January 1, 1976, shall be required to secure a Permit pursuant to the
21 provisions of this ordinance as long as such Vested Right continues and no
22 substantial change is made in that operation. A person shall be deemed to have such
23 Vested Rights if, prior to January 1, 1976, he has, in good faith and in reliance upon
24 a Permit or other authorization, if such Permit or other authorization was required,
25 diligently commenced surface mining operations and incurred substantial liabilities
26 for work and materials necessary therefor. Expenses incurred in obtaining the
27 enactment of an ordinance in relation to a particular operation or the issuance of a
28 Permit shall not be deemed liabilities for work or materials. Any substantial changes

1 made in a surface mining operation subsequent to January 1, 1976, except in
2 accordance with SMARA and California Code of Regulations, title 14, section 3951,
3 shall require an approved Permit pursuant to this ordinance.

4 B. If requested, a Vested Rights determination shall be made in accordance with the
5 following:

- 6 1. The Operator shall submit a written request with the Assistant TLMA
7 Director for a Vested Rights determination. The request for determination
8 shall include information pertinent to establishing the existence and scope of
9 the Vested Right. Within 30 calendar days of deeming the request for
10 determination complete, the Assistant TLMA Director shall set a public
11 hearing before the Board of Supervisors and provide notice in accordance
12 with the procedures set forth in Section 10 of this ordinance.
- 13 2. A public hearing shall be held by the Board of Supervisors to consider the
14 request for determination of a Vested Right, and, utilizing a preponderance
15 of the evidence standard, the Board of Supervisors shall determine whether
16 the Operator has demonstrated its claim for a Vested Right. The record
17 before the Board of Supervisors shall consist of the written materials received
18 by the Assistant TLMA Director, as well as any relevant written comments
19 on the request for determination and any relevant testimony received at the
20 hearing. Written comments and oral testimony other than that related to
21 demonstrating or delimiting the existence, nature, and scope of the claimed
22 vested rights shall not be considered by the Board of Supervisors in making
23 the Vested Rights determination.
- 24 3. Within 60 calendar days following the public hearing, the Board of
25 Supervisors shall issue a written vested rights determination. The
26 determination shall identify upon which specific property the Vested Right is
27 established and the scope and nature of surface mining operations included
28 within the established Vested Right. Not more than 30 days after the issuance

1 of the determination, a copy of the Vested Rights determination shall be
2 mailed to the applicant and to any person who has made a written request for
3 a copy of the decision. The decision of the Board of Supervisors shall be
4 final.

5 C. A person who has obtained a Vested Right to conduct surface mining operations prior
6 to January 1, 1976, shall submit to the Planning Department for approval by the
7 Planning Commission a Reclamation Plan. This Reclamation Plan may cover some
8 or all areas to which that Vested Right applies, but, at a minimum, it must cover: all
9 of the areas to which a Vested Right has been found to apply on which active mining
10 operations have been conducted after January 1, 1976, as well as the entirety of any
11 area to which a Vested Right has been found to apply that is planned or reasonably
12 anticipated to contain surface mining operations in the near future. A person who
13 has obtained a Vested Right shall also submit the required documentation for a mine
14 inspection to the Planning Department in the same manner and with the same
15 frequency as those Operators required to obtain a Permit pursuant to this ordinance
16 before commencing or expanding their operation. Absent an approved Reclamation
17 Plan for any area to which a Vested Right applies that has been mined since January
18 1, 1976, including any area that is currently being mined, the continuation of the
19 surface mining operation shall be prohibited until a Reclamation Plan is submitted
20 and approved. Nothing in this ordinance shall be construed as requiring the filing of
21 a Reclamation Plan for, or the reclamation of, mined lands on which surface mining
22 operations were conducted prior to, but not after, January 1, 1976. All Reclamation
23 Plans submitted to the Planning Department for operations pursuant to a Vested
24 Right that are conducted after January 1, 1976, shall be accompanied by the fee set
25 pursuant to Section 21 of this ordinance for a Reclamation Plan for a vested surface
26 mining operation conducted after January 1, 1976.

27 Section 18. APPLICATIONS FOR AMENDMENTS. A request for approval of an
28 amendment to an approved Permit or Reclamation Plan shall be made in accordance with the provisions of

1 this section. Under no circumstances shall any deviation from the approved Permit or Reclamation Plan be
2 undertaken until the required amendment is approved by the County pursuant to all applicable sections of
3 this ordinance. An amendment under this section means a request for a Revised Permit, Revised
4 Reclamation Plan, or a determination of Substantial Conformance as further defined herein.

5 A. Applications for a determination of Substantial Conformance, Revised Permit, or
6 Revised Reclamation Plan shall be made in writing to the Assistant TLMA Director
7 on forms provided by the Planning Department.

8 B. Substantial Conformance means an amendment to an approved Permit or
9 Reclamation Plan that:

- 10 1. Is not a Substantial Deviation from the original approval;
- 11 2. Does not change the effects on surrounding property; and
- 12 3. Does not substantially impact the ability to perform the reclamation activities
13 contemplated in the approved Reclamation Plan.
- 14 4. A Substantial Conformance may include, but is not limited to, amendments
15 related to upgrading existing facilities, amendments relating to compliance
16 with the requirements of other public agencies, amendments necessary to
17 comply with final conditions of approval, or amendments to lighting, parking,
18 fencing or landscaping requirements, provided said amendments as
19 determined by the Assistant TLMA Director will have no adverse effect upon
20 public health, safety or welfare and will not have a significant effect on the
21 environment.

22 C. Revised Permit means a request for a Substantial Deviation from an approved Permit
23 or Reclamation Plan which does not change the basic concept or use allowed by the
24 original approval. A Substantial Deviation includes, but is not limited to: any
25 expansion in the permitted mining area, in an area of an approved Reclamation Plan,
26 or in the maximum depth of mining or slope angle; changes to the original conditions
27 of approval, including extensions to the overall life of the permitted use as set out in
28 the approved Reclamation Plan; changes that would substantially affect the approved

1 end use of the site as established in the Reclamation Plan; changes to the operation
2 inconsistent with previously adopted environmental determinations; a significant
3 increase in plant capacity; changes to or expansion of a surface mining operation that
4 would result in significant adverse effects; and changes in the intensity of use as
5 determined by the Assistant TLMA Director.

6 D. Actions on applications for Substantial Conformance or Revised Permits shall be in
7 accordance with the following procedures:

8 1. Substantial Conformance. The Assistant TLMA Director shall approve,
9 conditionally approve or disapprove an application for Substantial
10 Conformance within 30 days after accepting a completed application and give
11 notice by mail of the decision, including any additional conditions of
12 approval, to the applicant and any other person who has filed a written request
13 for notice. The Assistant TLMA Director's determination shall be based upon
14 the standards of this section, the standards set forth in this ordinance
15 governing approval of the original Permit, and the conditions of approval
16 applicable to the approved Permit. An application for Substantial
17 Conformance shall not require a public hearing.

18 2. Revised Permit. An application for a Revised Permit shall be approved,
19 conditionally approved or disapproved in accordance with all the procedures,
20 requirements, and development standards applicable to an original Permit,
21 including any requirements for public hearing, notice of hearing, and all
22 rights of appeal.

23 E. The approval of an application for Substantial Conformance or Revised Permit shall
24 be valid until the expiration of the original Permit, unless an extension of time has
25 been granted by an approved Revised Permit.

26 F. Notwithstanding any provision herein to the contrary, an application for Substantial
27 Conformance may be approved only if the proposed modification is exempt from the
28 provisions of CEQA.

1 filing of the appeal, or any longer period mutually agreed upon by the Operator and
2 the Board of Supervisors. Review and approval of an interim management plan shall
3 not be considered a "project" pursuant to CEQA, nor shall it require a public hearing.

4 C. The interim management plan may remain in effect for a period not to exceed 5 years,
5 at which time the Assistant TLMA Director shall do one of the following:

6 1. Renew approval of the interim management plan for another period not to
7 exceed 5 years, which may be renewed for one additional five-year renewal
8 period at the expiration of the first five-year renewal period, if the Assistant
9 TLMA Director finds that the Operator has fully complied with the
10 provisions of the interim management plan.

11 2. Require the Operator to commence reclamation in accordance with its
12 approved Reclamation Plan.

13 The determination by the Assistant TLMA Director to extend the term of the interim
14 management plan or to require reclamation shall not require a public hearing. If the
15 surface mining operation is still idle after expiration of its interim management plan
16 and the interim management plan has not been renewed, the surface mining operation
17 shall immediately commence reclamation in accordance with its approved
18 Reclamation Plan.

19 D. Any financial assurances required in conjunction with approval of the Permit shall
20 remain in effect during the period the surface mining operation is idle and until such
21 time as reclamation is completed.

22 E. Unless review of an interim management plan is pending before the Assistant TLMA
23 Director or the Board of Supervisors, or an appeal is pending before the Board of
24 Supervisors, a surface mining operation which remains idle for over 1 year after
25 becoming idle as defined in Section 2727.1 of the Public Resources Code, without
26 obtaining approval of an interim management plan, shall be considered abandoned
27 and the Operator shall commence and complete reclamation in accordance with the
28 approved Reclamation Plan.

1 Section 20. TRANSFERS OF OWNERSHIP. Whenever any surface mining operation
2 or portion of a surface mining operation subject to this ordinance is sold, assigned, conveyed, exchanged,
3 or otherwise transferred, the successor in interest shall be bound by the provisions of this ordinance and
4 shall notify the Assistant TLMA Director in writing of such transfer of ownership within 30 days of the
5 transfer. Within 90 days of the sale or transfer of a surface mining operation, the new Operator shall submit,
6 in accordance with Section 14 of this ordinance and SMARA, an appropriate financial assurance
7 mechanism, which may be the existing mechanism if the existing mechanism is payable in the event of the
8 new Operator's financial incapability or abandonment of the surface mining operation. Within 15 days of
9 the sale or transfer of a surface mining operation, the new Operator shall sign a new statement of reclamation
10 responsibility in accordance with Section 9 of this ordinance.

11 Section 21. FEES.

12 A. The application fee for a Permit, revised Permit, revised Reclamation Plan, or stand-
13 alone Reclamation Plan (including a Reclamation Plan for mining operations on
14 BLM land, for mining operations owned or operated by the County Transportation
15 Department, or for vested surface mining operations conducted after January 1,
16 1976) shall initially be in the amount of twenty-one thousand dollars (\$21,000). This
17 application fee is a deposit-based fee to be used to cover the actual costs for the
18 County to undertake the review of a proposed Permit, revised Permit, proposed
19 Reclamation Plan, or Revised Reclamation Plan. This application fee supersedes the
20 fees set forth in Ordinance No. 671 for a Surface Mining Permit fee, for a Revised
21 Permit fee, and for Reclamation Plans Submitted for Vested Operations Conducted
22 After January 1, 1976.

23 B. The application fee for a Substantial Conformance to a Permit or Reclamation Plan
24 shall initially be in the amount of five thousand dollars (\$5,000). This application
25 fee is a deposit-based fee to be used to cover the actual costs for the County to
26 undertake the review of the proposed Substantial Conformance. This application fee
27 hereby supersedes any fee for a Substantial Conformance set forth in Ordinance No.
28 671.

- 1 C. The application fee for review of an interim management plan shall be the same
2 amount as the application fee for a Substantial Conformance to a Permit or
3 Reclamation Plan, as set pursuant to this section.
- 4 D. The appeal filing fee required under Section 10 of this ordinance and petition fee
5 required under Section 15 of this ordinance shall each initially be in the amount of
6 one thousand dollars (\$1,000). This appeal filing fee hereby supersedes the Appeal
7 of Planning Commission Decision fee set forth in Ordinance No. 671.
- 8 E. The mine inspection fee required under Section 13 of this ordinance shall initially be
9 in the amount of three thousand five hundred dollars (\$3,500). The mine inspection
10 fee is a deposit-based fee to be used to cover the actual costs for the County to
11 undertake the annual inspection of a surface mining operation. This fee hereby
12 supersedes the Special Inspection Permit fee set forth in Ordinance No. 671.
- 13 F. The mine administrative fee required under Section 13 of this ordinance shall initially
14 be in the amount of two thousand dollars (\$2,000). The mine administrative fee shall
15 be used for the administration and implementation of SMARA and this ordinance,
16 including staff training, interaction with State agencies, updating applicable County
17 regulations, and general management of the SMARA program.
- 18 G. The Board of Supervisors may adjust the amount of any of the fees set forth in this
19 section by resolution. Any adjustment to such fees shall be considered at a regularly
20 scheduled Board of Supervisors meeting. Notice of the time, place, general
21 description of the fee adjustment, and where related information and data is available
22 for review shall be mailed at least fourteen (14) days prior to the meeting to any
23 interested party who files a written request with the County for mailed notice related
24 to fees. At least ten (10) days before the meeting, information related to the fee
25 adjustment shall be made available to the public for review. Any resolution adopted
26 by the Board of Supervisors making adjustments to any of the fees set forth in this
27 section shall be posted at the Planning Department.
28

1 555.9 (Eff.: 09/21/1983)
2 555.10 (Eff.: 07/04/1985)
3 555.11 (Eff.: 06/01/1986)
4 555.12 (Eff.: 03/12/1987)
5 555.13 (Eff.: 07/04/1987)
6 555.14 (Eff.: 07/30/1987)
7 555.15 (Eff.: 07/01/1988)
8 555.16 (Eff.: 04/27/1989)
9 555.17 (Eff.: 07/29/1993)
10 555.18 (Eff.: 08/12/1995)
11 555.19 (Eff.: 11/01/2012)

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OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

February 11, 2020

PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: 951-368-9018

RE: NOTICE OF SUMMARY OF ORD. 555.20

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Monday, February 17, 2020**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to
KECIA R. HARPER, CLERK OF THE BOARD

RIVERSIDE COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that a public meeting at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 25, 2020 at 9:30 a.m.**, or as soon as possible thereafter, to consider adoption of the following Ordinance:

SUMMARY OF ORDINANCE NO. 555.20
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 555, THE ORDINANCE OF THE COUNTY OF RIVERSIDE
IMPLEMENTING THE SURFACE MINING AND RECLAMATION ACT OF 1975 ("SMARA")

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 555.20 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

Ordinance No. 555.20 amends Ordinance No. 555 in its entirety and replaces it with new language that updates procedures for processing mining-related applications and related filings; establishes a new mining administrative fee; updates other fees, including setting forth new requirements for initial deposit amounts for deposit-based fees associated with mining applications and mining inspections; makes the mining-related fee amounts set forth in Ordinance No. 555 capable of being amended by resolution in the future; updates, streamlines, and clarifies the County's administrative processing procedures relating to mining applications and permits and carrying out SMARA requirements; and updates terminology and requirements to reflect current state law. Ordinance No. 555.20 would take effect 60 days after its adoption.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: February 11, 2020

Kecia R. Harper, Clerk of the Board

By: Karen Barton, Deputy Clerk of the Board



CALL (951) 368-9222
EMAIL legal@pe.com

THE PRESS-ENTERPRISE

| DATE | ORDER NUMBER | PO Number | PRODUCT | SIZE | Amount |
|--------------------------------|--------------|-----------|--------------|-----------|--------------------|
| 2/17/20 | 0011363701 | | PE Riverside | 4 x 63 LI | 327.60 |
| Invoice text: Ordinance 555.20 | | | | | |
| | | | | | BALANCE DUE |
| | | | | | 327.60 |

TLMA
2/11/2020 3.27

Placed by: Karen Lynn Barton

Legal Advertising Memo Invoice

| SALES CONTACT INFORMATION | | ADVERTISER INFORMATION | | | |
|----------------------------|----------------------------|----------------------------------|-------------------------------------|--|--|
| Nick Eller 951-368-9229 | BILLING DATE 02/17/2020 | BILLED ACCOUNT NUMBER 5209148 | ADVERTISER/CLIENT NUMBER 5209148 | ADVERTISER/CLIENT NAME BOARD OF SUPERVISORS | |



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

| ADVERTISER/CLIENT NAME | | |
|------------------------|-----------------------|--------------------------|
| BOARD OF SUPERVISORS | | |
| BILLING DATE | BILLED ACCOUNT NUMBER | ADVERTISER/CLIENT NUMBER |
| 02/17/2020 | 5209148 | 5209148 |
| BALANCE DUE | ORDER NUMBER | TERMS OF PAYMENT |
| 327.60 | 0011363701 | DUE UPON RECEIPT |

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
'PO BOX 1147'
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP
dba The Press-Enterprise
PO Box 65210
Colorado Springs, CO 80962-5210

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ordinance 555.20 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

02/17/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: February 17, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011363701-01

P.O. Number:

Ad Copy:

RIVERSIDE COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that a public meeting at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, February 25, 2020 at 9:30 a.m., or as soon as possible thereafter, to consider adoption of the following Ordinance:

**SUMMARY OF ORDINANCE NO. 555.20
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 555, THE ORDINANCE OF THE
COUNTY OF RIVERSIDE IMPLEMENTING THE SURFACE
MINING AND RECLAMATION ACT OF 1975 ("SMARA")**

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 555.20 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

Ordinance No. 555.20 amends Ordinance No. 555 in its entirety and replaces it with new language that updates procedures for processing mining-related applications and related filings; establishes a new mining administrative fee; updates other fees, including setting forth new requirements for initial deposit amounts for deposit-based fees associated with mining applications and mining inspections; makes the mining-related fee amounts set forth in Ordinance No. 555 capable of being amended by resolution in the future; updates, streamlines, and clarifies the County's administrative processing procedures relating to mining applications and permits and carrying out SMARA requirements; and updates terminology and requirements to reflect current state law. Ordinance No. 555.20 would take effect 60 days after its adoption.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: February 11, 2020
Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

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