

ORDINANCE NO. 01- 02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTIONS 8.24.020, 8.24.030, 8.24.050, 8.24.070,
AND 8.24.080 OF CHAPTER 8.24, RECLAMATION, OF THE
TOWN OF MAMMOTH LAKES MUNICIPAL CODE

Whereas: At its regular meeting of October 18, 2000, the Town Council did adopt Ordinance 2000-11, repealing and restating Chapter 8.24, Reclamation, of the Town of Mammoth Lakes Municipal Code; and

Whereas, The California Department of Conservation, State Mining and Geology Board recommended changes to that adopted language to assure consistency with the Surface Mining and Reclamation Act (Public Resources Code Section 2710 et seq.).

THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA
DOES ORDAIN AS FOLLOWS:

Section 1: Amendment of Chapter 8.24, Reclamation.

Chapter 8.24 of the Mammoth Lakes Municipal Code is hereby amended as set forth in Exhibit A, attached.

Section 2: EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective and enforceable thirty days from the date of its adoption.

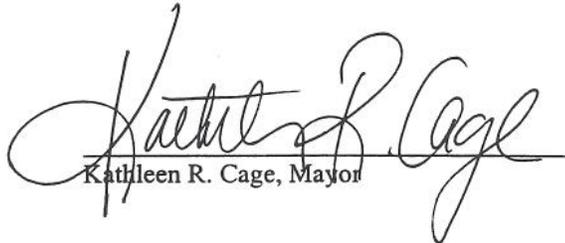
Section 3: POSTING

The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council, published once in a newspaper of general circulation.

Section 4: SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

The foregoing Ordinance was introduced on the 21st day of March, 2001, and PASSED,
APPROVED AND ADOPTED on the 11th day of April, 2001


Kathleen R. Cage, Mayor

ATTEST:


ANITA HATTER, Town Clerk

Exhibit A

Amendments and Additions to:

CHAPTER 8.24, RECLAMATION

The following sections and subsections are amended to read as follows:

8.24.020 Definitions.

- M. "Vested Surface Mining Operation": A person shall be deemed to have obtained "vested" rights when sufficient documentation has been submitted to the Community Development Director and Town Attorney to indicate that prior to January 1, 1976, he or she has, in good faith and in reliance on a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. The operator may also be required to submit documentation indicating that no substantial changes have occurred in the operation since January 1, 1976, except for those changes that were in conformance with applicable regulations in effect at the time of the change. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work and materials. Vesting shall be formally recognized by the Planning Commission at a public meeting and based upon the Community Development Director's and Town Attorney's recommendation.

8.24.030 Reclamation Plan Requirements

- A. 1. Submittal: The reclamation plan shall be submitted to the Planning Division on forms supplied by the Planning division. Reclamation plan submittals must be complete, containing all information required by the applicable department to justify findings for approval or disapproval, and for surface mining operations, all information required in conformance with applicable provisions of SMARA.
- B.1.c. Within 30 days of acceptance of an application for a Reclamation Plan as complete, the Planning Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream of any state highway bridge, the Planning Division shall also notify the State Department of Transportation that the application has been received.
- B.1.d. Upon determination of completeness, the Town shall process the application through environmental review pursuant to the California Environmental Quality Act (CEQA) and the Town of Mammoth Lakes Environmental Handbook. The Town shall also notify all affected agencies and individuals of the proposed plan. Upon close of the public comment period, the Town shall prepare a staff report to the Planning Commission and set the matter for a public hearing. Said hearing shall be noticed in accordance with the Mammoth Lakes Municipal Code section 17.56.070.
- B.1.e. The State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of

Exhibit A

Conservation during the comment periods. Copies of any written comments received and responses prepared by the Town shall be promptly forwarded to the operator/applicant.

- B.1.f The Planning Commission shall hold at least one noticed public hearing on the application. The Planning Commission shall then take action to approve, conditionally approve, or deny the Reclamation Plan and to approve the financial assurances.
- B.1.g The Planning Division shall forward a copy of each approved Reclamation Plan and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Division shall submit to the State Department of Conservation for each active or idle mining operation a copy of the reclamation Plan amendments, as applicable or a statement that there have been no changes during the previous year.
- B.2. Simultaneous Processing: In the event that an application for a Use Permit or Mining Operations Permit and a Reclamation Plan pertaining to the same project are submitted for approval at the same time, review and processing of the Reclamation Plan may occur simultaneously with that of the resource use permit application. The issuance of a Use Permit or Mining Operations Permit shall be predicated on the approval of a reclamation plan in conformance with this chapter.
- B.3.a. That the reclamation plan complies with the provisions of CEQA and SMARA;

C. Plan Required

Prior to the conduct of surface mining operations, all persons shall have obtained from the Town, a permit, a reclamation plan approval, and have posted an appropriate financial assurance as described herein.

8.24.050 Reclamation Standards

- D. 2. for which a reclamation plan has been approved prior to July 14, 2000 provided, however, that any revisions to such previously adopted plans shall be subject to the provisions of this chapter and SMARA.

8.24.070 Idle Mine Status

- A. Interim management plan: Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department for review and approval, an "interim management plan". The interim management plan shall describe, in detail, measures the operator will implement to maintain the site in compliance with conditions specified in the use permit and with standards specified in the approved reclamation plan.

8.24.080 Annual Inspections

- A.2. The Planning Division shall inspect or cause to be inspected the site within thirty (30) working days of receipt of the written report, filing fee, and application for inspection.
- A.3. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land

Exhibit A

reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists as selected by the Community Development Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. The Community Development Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

8.24.100 Surety Requirements .

A. Surety.

1. Surety Required: The operator, mine owner, or land owner shall be required to execute an agreement and to provide adequate and acceptable surety, made payable to the Town and the Department of Conservation as required by the California Public Resources Code, guaranteeing compliance with the approved reclamation plan. This requirement shall be satisfied prior to commencing any on-site resource development activity and liability shall continue until all reclamation work required by the reclamation plan has been concluded and accepted by the Town.

4. Form of Surety: The security required in conformance with the provisions of this chapter shall be made payable to the Town and the Department of Conservation as required by the California Public Resources Code; shall be subject to review and approval by the Town; and shall be in the form of one of the following:
 - a. Surety Bonds,
 - b. Irrevocable Letters of Credit,
 - c. Trust Funds,
 - d. For surface mining operations, other forms of financial assurance as may be specified by the State Board of Mines and Geology.

5. Surety Adjustments: The amount of financial assurances required by this chapter may be adjusted annually by the Town in consideration of information provided in the annual inspection report. Adjustments shall take into consideration, but not be limited to, new lands disturbed, inflation, prior compliance, and reclamation accomplished in accordance with the approved plan.

B. Release of Surety.

1. Acceptance: The operator shall file a request for final inspection with the Town, accompanied by the appropriate filing fee. No reclamation or phase of reclamation shall be deemed accepted until the work has been inspected and approved and a certificate of acceptance has been executed by the Town and filed with the Town Council.

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, ANITA HATTER, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 01-02, which was introduced at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on March 21, 2001, by the following vote:

AYES: Councilmembers Eastman, Wood, Mayor Pro Tem Stapp and Mayor Cage

NOES: None

ABSENT: Councilmember Wright

DISQUALIFICATION: None

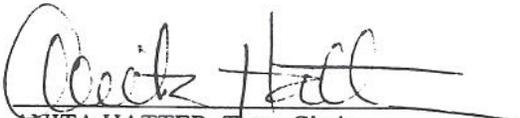
and adopted at a meeting held on April 11, 2001, by the following vote:

AYES: Councilmembers Eastman, Wood, Wright, Mayor Pro Tem Stapp and Mayor Cage

NOES: None

ABSENT: None

DISQUALIFICATION: None



ANITA HATTER, Town Clerk

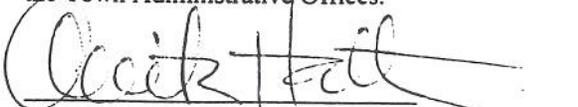
STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

AFFIDAVIT
OF PUBLISHING
AND POSTING

ANITA HATTER, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes: that in compliance with State laws of the State of California, Ordinance No. 01-02, being:

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTIONS 8.24.020, 8.24.030, 8.24.050, 8.24.070 AND 8.24.080 OF CHAPTER 8.2
RECLAMATION, OF THE TOWN OF MAMMOTH LAKES MUNICIPAL CODE

was published in summary in The Mammoth Times newspaper on March 29 and April 26, 2001, and was posted at the Town Administrative Offices.



ANITA HATTER, Town Clerk

TOWN OF MAMMOTH LAKES

Notice is hereby given that on March 21, 2001 the Town Council introduced an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTIONS 8.24.020, 8.24.030, 8.24.050, 8.24.070,
AND 8.24.080 OF CHAPTER 8.24, RECLAMATION,
OF THE TOWN OF MAMMOTH LAKES MUNICIPAL CODE

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: March 22, 2001

A handwritten signature in cursive script, appearing to read "Anita Hatter", written over a horizontal line.

ANITA HATTER, Town Clerk
Town of Mammoth Lakes

TOWN OF MAMMOTH LAKES

Notice is hereby given that on April 11, 2001 the Town Council adopted an Ordinance entitled:

ORDINANCE NO. 01-02

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, AMENDING SECTIONS 8.24.020, 8.24.030, 8.24.070, 8.24.080
OF CHAPTER 8.24, RECLAMATION, OF THE TOWN OF MAMMOTH LAKES
MUNICIPAL CODE

by the following vote:

AYES: Councilmembers Eastman, Wood, Wright, Mayor Pro Tem Stapp and Mayor
Cage

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None

A certified copy of the complete text of the Ordinance is posted and may be read at the Town
Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained
from the office of the Town Clerk at a nominal charge.

Dated: April 20, 2001


ANITA HATTER, Town Clerk
Town of Mammoth Lakes