

California Department of Conservation
Division of Mine Reclamation

Lead Agency Review and Assistance (LARA) Program

Final Report

Prepared for:

County of Ventura

(lead agency under the
Surface Mining and Reclamation Act)

October 2019

Revised February 2021



Addendum

This document has been revised from its original format.

The link for the FTP site that was on pages 9 and B1 have been removed. An alternative link has been put in its place. Mine file documents can be requested from the Division of Mine Reclamation using this new link.

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LIST OF ABBREVIATIONS AND ACRONYMS USED IN THIS REPORT

Acronym	Term	Description
AB	Assembly Bill	Proposed law, introduced by a Member of the Assembly of the California Legislature during a session for consideration by the Legislature, and identified numerically in order of presentation
ACR	Annual Compliance Report	Document prepared by a qualified, licensed (if appropriate) professional and submitted by a mine operator to the County of Ventura that demonstrates the operator's compliance with applicable laws, statutes, and regulations, including SMARA requirements, State Mining and Geology Board reclamation regulations, approved reclamation, and County Conditional Use Permit conditions; due July 1 of each year (ACR instructions are on County website)
AR	Annual Report	Document from a mine operator to the Division of Mine Reclamation noting mining activity for the previous calendar year; due on July 1 of each year with required fee
CA	Compliance Agreement	Agreement a mine operator and the lead agency enter into to resolve compliance issues at a mine site
CCR	California Code of Regulations	Regulations adopted, amended, or repealed by state agencies pursuant to the Administrative Procedures Act
County	Ventura County	SMARA lead agency for this Lead Agency Review and Assistance Program review
CUP	Conditional Use Permit	Development permit issued by the lead agency to mine operators
DMR	Division of Mine Reclamation	Division within California Department of Conservation established in 2017, under Senate Bill 209 (Pavley)
DOC	California Department of Conservation	A State of California department comprised of five divisions: Land Resources Protection, Mine Reclamation, California Geological Survey, Oil, Gas, and Geothermal Resources, and State Mining and Geology Board
EIR	Environmental Impact Report	A detailed and substantial environmental review under the California Environmental Quality Act
FACE	Financial Assurance Cost Estimate	Estimate of the financial cost to reclaim a surface mining operation pursuant to the requirements of the mine's approved reclamation plan
FAM	Financial Assurance Mechanism	Financial instrument established by a mine operator that is subject to forfeiture under certain conditions
IN	Inspection Notice	See NOCI
IR	Inspection Report	Regulatory form MRRC-1 to be used by a lead agency to document site inspections as required by PRC Section 2774(b)

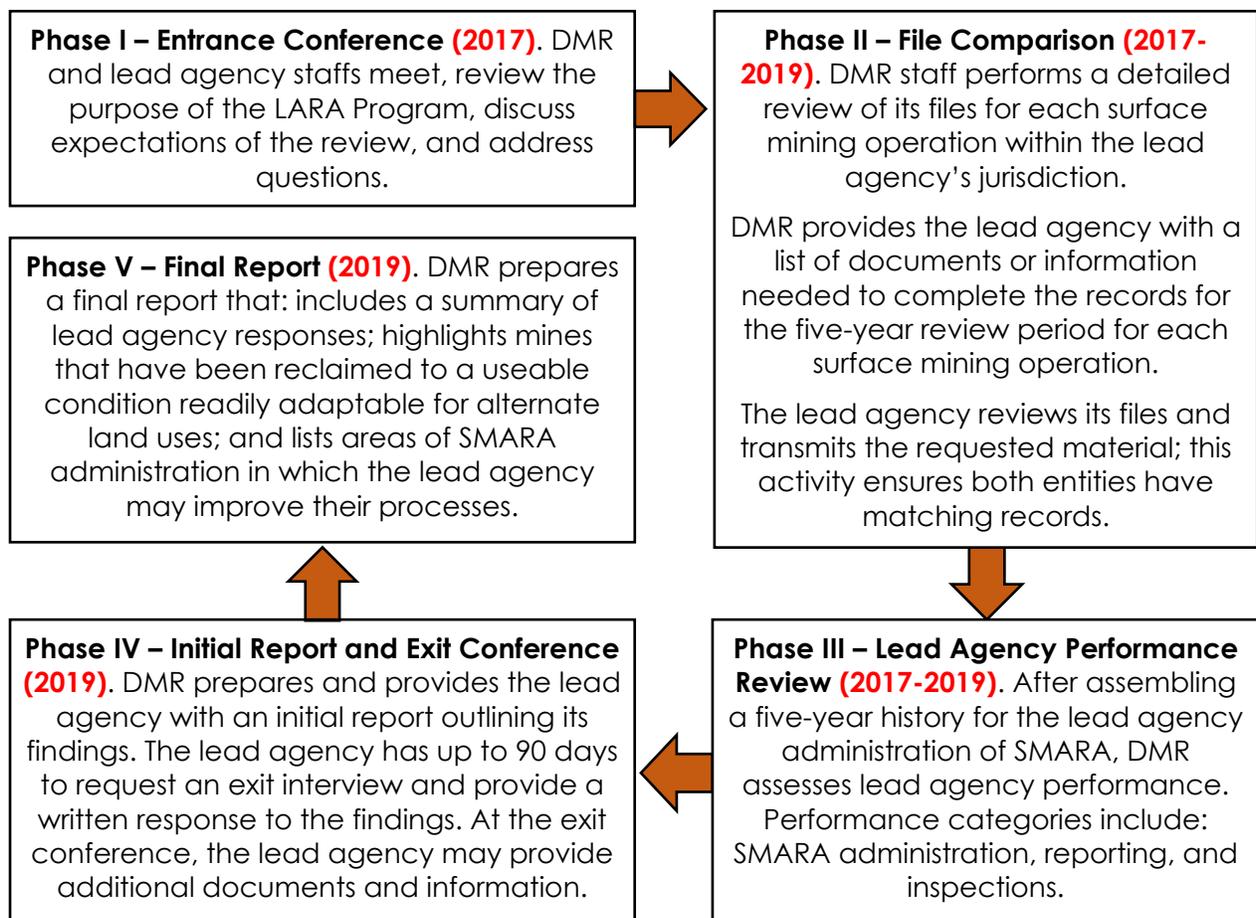
Acronym	Term	Description
LARA	Lead Agency Review and Assistance	Program designed as both a review of each lead agency's SMARA program and an extension of the Division of Mine Reclamation's education and outreach efforts
N/A	Not Applicable	For this field, the information was either not available or is does not apply
NOCI	Notice of Completion of Inspection	Notice that accompanies the annual inspection report submitted by a lead agency to the Division of Mine Reclamation that includes prescribed information as required under PRC Section 2774(b)
NOV	Notice of Violation	Notice issued to a mine operator identifying site specific or administrative violations of state law
OMR	Office of Mine Reclamation	Former name of Division of Mine Reclamation (prior to 2017)
PRC	Public Resources Code	Code, codified in 1939, that consolidated and revised the law relating to natural resources, the conservation, utilization, and supervision thereof, along with mines and mining, oil and gas, and forestry
RP	Reclamation Plan	Plan describing how mined lands will be reclaimed to a usable condition that is readily adaptable for alternate land uses and creates no danger to public health or safety
RPCA	Reclamation Plan Compliance Agreement	Reclamation plan entered into by a mine operator under a compliance agreement with the County; contains orders to comply with County mining ordinance and SMARA
SB	Senate Bill	Proposed law, introduced by a Member of the Senate of the California Legislature during a session for consideration by the Legislature, and identified numerically in order of presentation
SMARA	Surface Mining and Reclamation Act of 1975	Statute enacted in 1975 and effective in 1976 that governs surface mine operations in California; it is codified in PRC Sections 2710 through 2796.5
SMGB	State Mining and Geology Board	Regulatory, policy, and hearing body that represents the State's interests in geology, geologic, and seismologic hazards, conservation of mineral resources, and reclamation of mining lands
SOA	Statement of Adequacy	Statement by the lead agency that it finds the Financial Assurance Cost Estimate (FACE) adequate to fund complete reclamation according to the approved reclamation plan; the lead agency submits the SOA when the FACE is sent to the Division of Mine Reclamation for review and comment

EXECUTIVE SUMMARY

This Final Report provides recommendations from the Department of Conservation's Division of Mine Reclamation (DMR), pursuant to DMR's Lead Agency Review and Assistance (LARA) Program, to Ventura County (County), as lead agency under the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). The goal of the LARA Program is to ensure effective local administration of SMARA through vetted reclamation plans, comprehensive annual mine inspections, and rigorously reviewed financial assurance cost estimates, in addition to uniform application of mining laws and regulations throughout California.

This Final Report reviews the County's administration of the core requirements of SMARA during the five years from 2012 through 2016 (hereafter referred to as the review period) for the 13 existing surface mines within the County's jurisdiction. This review period precedes substantial changes to SMARA that took effect in 2017 (see Attachment C). Figure ES-1 identifies the steps in the LARA Program review process, which are described in detail in the body of the Final Report.

Figure ES-1. LARA Program Review Process Flowchart with Phase Completion Date



Based on its LARA Program review, DMR staff presents the following recommendations to the County. (For details, see Section III of this Final Report.)

A. Reclamation Plans and Amendments, Permits, and Compliance Actions

1. **Recommendation #1.** The County must ensure that every surface mining operation within its jurisdiction complies with SMARA by having approved permits, in addition to reclamation plans and adequate financial assurances (PRC Section 2770).
2. **Recommendation #2a.** To complement and support timely reclamation plan processing, the County must cause inspections to occur annually and use that information to review and amend reclamation plans when it appears that surface mining operations may no longer be reclaimed in accordance with the approved reclamation plan as required by Title 14, California Code of Regulations Section 3502(e). The best practice for a lead agency to follow when a mine is abandoned is provided for in SMARA Section 2773.1(b)(2), which includes requiring forfeiture of the financial assurance mechanisms and using the proceeds from the forfeited financial assurance mechanisms to conduct and complete reclamation in accordance with the approved reclamation plan.

Recommendation #2b. The County must file a "Notice of Reclamation Plan Approval" with the County Recorder upon approval of each reclamation plan or amendment to a reclamation plan; the Notice shall contain the language and information required in PRC Section 2772.7(a) & (b).

3. **Recommendation #3.** The County must provide timely enforcement of SMARA requirements (e.g., issue enforcement actions) to amend reclamation plans when operations can no longer be reclaimed in accordance with the approved reclamation plan as required by Title 14, California Code of Regulations Section 3502(e). The severity of enforcement actions could be minimized through proactive inspection reporting, prompt reporting, and quicker action on deficiencies and violations found at surface mining sites.

B. Financial Assurances

4. **Recommendation #4.** The County must ensure that each mining operation has an adequate financial assurance. The extraordinary measures the County needed to take to address Best Rock mine (Mine ID #56-0010) highlight the need to estimate, as accurately as possible, the final cost of reclamation.
5. **Recommendation #5.** Operator submittal and County approval of FACEs must comply with PRC Section 2773.1. For example:
 - a. The County shall ensure that each mining operator submits a FACE annually for review, either:
 - within 30 days of an annual inspection being conducted pursuant to Section 2774, an operator shall provide an annual financial assurance

cost estimate to the lead agency for review (PRC Section 2773.4(d)(1)(A))

- within 30 days of the applicable inspection date (i.e., on the date requested by the operator pursuant to PRC Section 2207 or on the date set by the lead agency pursuant to Section 2774(c)) should the lead agency fail to cause the inspection of the surface mining operation (PRC Section 2773.4(d)(1)(B))
- b. For FACE submittals, the County's process must include a statement of adequacy based on its review and analysis of the operator's FACE so that a clear statement of adequacy of a proposed FACE is made and is transmitted to DMR.
 - c. Following approval, the County must provide copies of the FACE to DMR.
6. **Recommendation #6.** The County must ensure timely reclamation of mine sites where financial assurances have been forfeited.

C. Annual Inspections, Inspection Reports, and Inspection Notices

7. **Recommendation #7.** Implementation of a proactive and rigorous inspection program would enable the County to both identify and correct deficiencies before they become large-scale problems.

D. Annual Reports

8. **Recommendation #8.** DMR and County staff should consult if a review of an annual report shows that discrepancies exist or if an annual report does not include all required information (e.g., a mine's reporting status, disturbed and reclaimed acreage amounts, and production during the previous year).

E. General Findings

9. **Recommendation #9a.** In compliance with SMARA (PRC Section 2774(b)(1)), the County must:
- cause surface mining operations to be inspected in intervals of no more than 12 months
 - provide a notice of completion of inspection to the supervisor [of Mine Reclamation within DMR] within 90 days of conducting the inspection
 - ensure that the notice of completion of inspection contains a statement regarding the surface mining operation's compliance with SMARA and a copy of the completed inspection form
 - specify, as applicable, all the following:
 - (A) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were corrected before the submission of the inspection form to the supervisor

- (B) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
- (C) A statement describing the lead agency's intended response to any aspects of the surface mining operation found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
- (D) A statement as to whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency

Recommendation #9b. The County's mining ordinance, which the SMGB certified pursuant to PRC Section 2774.5 on November 10, 1999, must be updated consistent with the recent amendments to SMARA. For example, the process for reviewing and approving FACEs has been expanded to include DMR's authority to request a consultation meeting with lead agencies over pending FACEs, as well as DMR's authority to appeal a lead agency approved FACE to the SMGB.

I. INTRODUCTION

A. Purpose and Scope

The Department of Conservation's Division of Mine Reclamation (DMR) presents this Final Report on the County of Ventura (County) as part of DMR's Lead Agency Review and Assistance (LARA) Program. This Final Report provides the results of a review of the County's administration of the core requirements of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.).¹ The review:

- is based on the records of the 13 existing (and not yet reclaimed) surface mining operations within its jurisdiction (see Table 1 and Figure 1)
- covers the period from 2012 through 2016 (hereafter the review period)

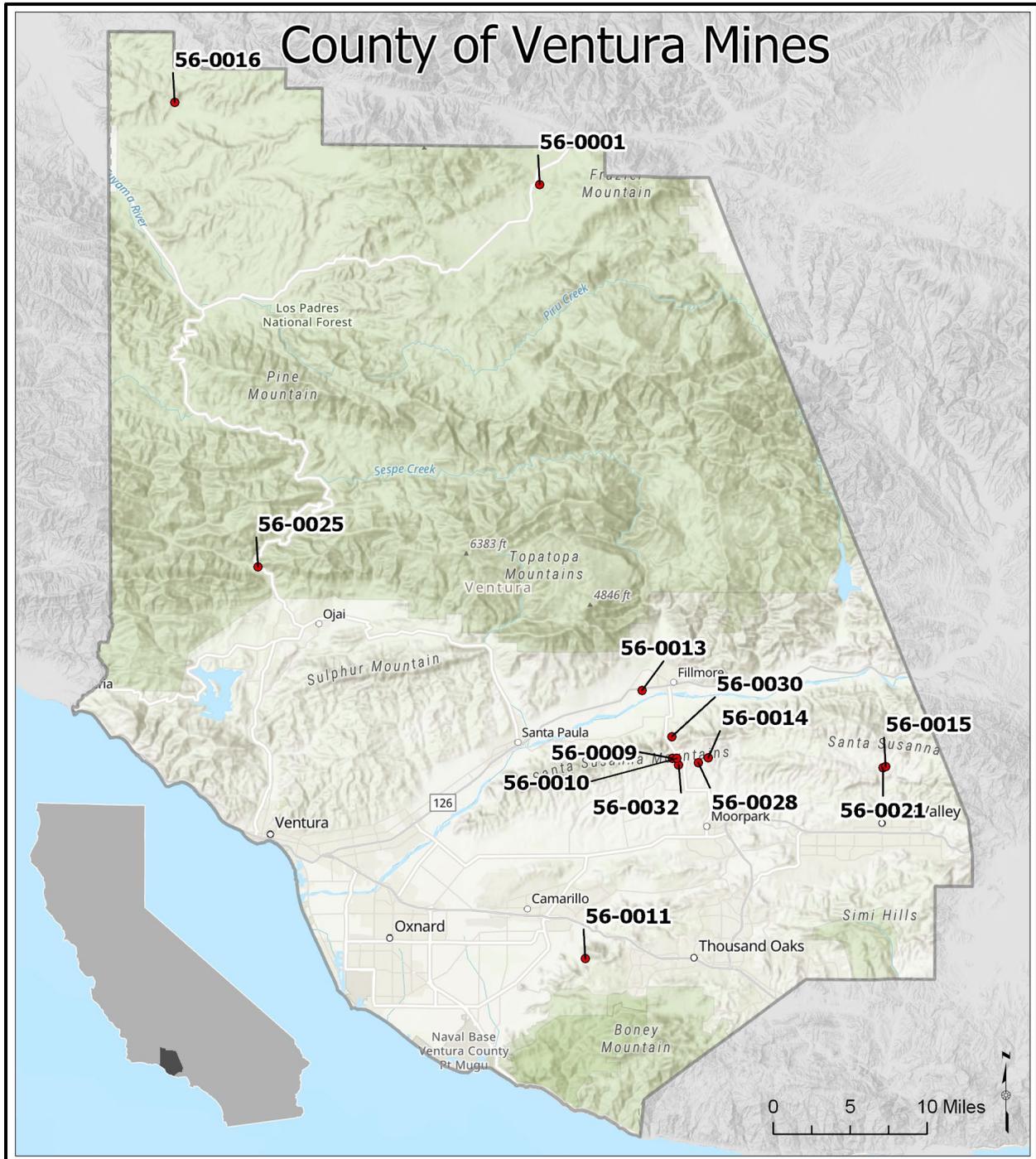
Table 1. Ventura County Surface Mines for LARA Program Review

Mine ID #	Mine Name	Commodity	Area Excavated (acres) *
56-0001	Frazier Park	Clay	97
56-0009	Best Rock/Red Rock	Decorative Rock	20 (abandoned)
56-0010	Best Rock	Sand, Gravel, Rock	80 (abandoned)
56-0011	Pacific Rock, Inc.	Stone	51
56-0013	MRC Rock and Sand, LLC	Sand, Gravel, Rock	10
56-0014	Moorpark	Sand, Gravel, Rock	2,010
56-0015	Tapo Rock and Sand, Inc.	Sand, Gravel, Rock	11
56-0016	Cuyama Gypsum Quarry	Gypsum	109
56-0021	Tapo Canyon Mine	Sand, Gravel, Rock; Specialty Sand	326
56-0025	Mosler Rock Ojai Quarry	Dimension Stone; Sand, Gravel, Rock	5
56-0028	Wayne J. Sand and Gravel, Inc.	Sand, Gravel	47
56-0030	Rancho San Cristobal Clay Mine	Clay, Fill Dirt	15
56-0032	Grimes Rock	Sand, Gravel, Rock; Fill Dirt	58

* Approximate value (rounded to whole acres) averaged over the five-year review period (2012-2016).

¹ This LARA Program review does not cover the lead agency's mining ordinance or its administration of the California Environmental Quality Act.

Figure 1. Existing Surface Mines in Lead Agency's Jurisdiction During Review Period (2012-2016)*



*See Mine identification legend in Table 1.

During this review period, which preceded substantial changes to SMARA that took effect in 2017 (see Attachment C), SMARA lead agency core requirements included:

- Review and approve reclamation plans (RPs), RP amendments, and interim management plans
- Issue permits or other mining authorizations
- Review and approve financial assurances
- Enforce mine operator's annual reporting requirements
- Conduct and complete annual inspections for all mining operations within the lead agency's jurisdiction

B. Regulation of Surface Mines in California

1. Overview

SMARA recognizes both the need for mined materials and the need to manage surface mining operations as reflected in the Legislature's statement of intent described under PRC Section 2712, which states:

It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

- a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.*
- b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.*
- c) Residual hazards to the public health and safety are eliminated.*

2. Lead Agency's Role

California is unique among states in that the permitting of surface mines occurs through local governments acting as the lead agency. Lead agencies have the primary responsibility for the administration and enforcement of SMARA. Lead agency responsibilities include:

- Establishing mineral resource management policies and mining ordinances to be incorporated in their general plan
- Issuing a mining permit or other authorization to mine, including determining the nature and scope of vested mining rights where appropriate
- Reviewing and approving RPs and financial assurances that meet minimum SMARA requirements

- Conducting annual inspections of surface mines in their jurisdiction to ensure compliance with SMARA
- Taking appropriate actions to ensure compliance under SMARA including the enforcement of reporting requirements under PRC Section 2207
- Submitting information to DMR pursuant to SMARA requirements
- Seizing financial assurances and completing reclamation after determining an operator's financial incapacity or abandonment of the operation

Reclamation Plan (RP)

RPs and RP amendments that meet minimum SMARA requirements provide a foundation for the lead agency's regulation of ongoing mining operations. Lead agencies are required to:

- Review, analyze, and certify RPs as complete and in compliance with SMARA.
- Submit RPs and RP amendments to DMR for review prior to approval
- Respond to any DMR comments
- Provide a 30-day notice of the approval hearing
- Provide a final response to DMR comments after approval
- File the approval of the RP with the County Recorder

Financial Assurance

RPs also provide a basis for the calculation of the Financial Assurance Cost Estimate (FACE). Any adjustments to the cost estimate for reclamation must be reflected in the Financial Assurance Mechanism (FAM) for the surface mining operation. The FAM must always remain at least equal to the annually approved FACE. The lead agency must:

- Review on an annual basis the FACE, based on the RP and site conditions to ensure that it is adequate to complete reclamation so as to reduce potential liability to local or state government
- Adjust the FACE if necessary to reflect, among other things, the expansion or a decrease in mining disturbances; adjust the FAM to be at least equal to the FACE
- Submit to DMR a determination that the FACE submitted for comment is adequate, complete, and consistent with PRC Section 2773.1
- Respond to any comments from DMR
- Approve the FACE following receipt of public and DMR input as adequate to complete reclamation between each inspection (see below) and FACE review/approval cycle

The requirements for responding to DMR comments, notices of public hearings, and final responses to comments are generally the same as for RPs, described above, except there is no requirement to file the approved FACE with the County Recorder.

Annual Inspection and Notice of Completion of Inspection (NOCI)

Annual inspections help to ensure SMARA compliance and that specific deviations from the approved RP are identified and handled timely and appropriately. Lead agencies must:

- Conduct annual inspections to ensure compliance with SMARA and the mining operation's RP
- Document mine conditions in Inspection Reports (IR) and Inspection Notices (IN; now referred to as a Notice of Completion of Inspection or "NOCI" under PRC Section 2774(b)(1))
- Submit both the IR and the IN/NOCI to DMR

3. Surface Mine Operator's Role

Under SMARA, surface mine operators must:

- Prepare RPs and RP amendments, including interim management plans, that meet minimum SMARA requirements
- Maintain their surface mining operation in compliance with SMARA, the approved RP and permit conditions, and minimal acceptable practices for reclamation pursuant to Title 14, California Code of Regulations (CCR) Section 3503
- Comply with annual reporting and reporting fee provisions pursuant to PRC Section 2207. This includes the submission of an Annual Report (AR) to DMR noting specific operational aspects for the previous calendar year with the report due on July 1 of each year along with the required fee
- Prepare and submit to the lead agency, annually, a FACE that meets minimum SMARA requirements pursuant to PRC Section 2773.1
- Maintain a FAM in an amount equal to or greater than the approved FACE

4. Division of Mine Reclamation's Role

The DMR was created to assist and provide oversight for local governments that administer SMARA within their respective jurisdictions. The primary focus of DMR is on existing surface mining operations and the return of those mined lands to a usable and safe condition. Among other responsibilities, DMR reviews and comments on proposed RPs, RP amendments, and FACEs received from the lead agency after the lead agency certifies these documents are complete and compliant with SMARA. The DMR also processes mining operators' ARs and fees as required in PRC Section 2207. If necessary, DMR initiates compliance actions that encourage SMARA compliance. Legacy abandoned mines are addressed through DMR's Abandoned Mine Lands Unit.

C. Lead Agency Review and Assistance Program

1. Background

The LARA Program was developed following extensive input from lead agencies and other stakeholders. In December 2015 and January 2016, DMR held stakeholder workshops in four cities: Redding, San Luis Obispo, Santa Ana, and Sacramento. This extensive outreach provided an overview of the proposed LARA Program. Comments received during the workshops influenced final development of the LARA Program and the LARA Guidelines (Attachment D).

2. Program Goal

The goal of the LARA Program is to ensure effective local administration of SMARA through vetted reclamation plans, comprehensive annual mine inspections, and rigorously reviewed cost estimates in addition to uniform application of mining laws and regulations throughout California.

3. Legislative Amendments Since 2016

Recent amendments to SMARA are reflected in LARA Program implementation where applicable (see Attachment C for summary of new legislation). The LARA Program review period for this Report covers the County's administration of SMARA between 2012 and 2016; therefore, any statutory amendments that occurred after 2016 do not apply to this LARA Review.

D. County of Ventura

1. General Plan and Surface Mining Ordinance

General Plan

The General Plan is intended to fulfill State requirements for comprehensive, long-term planning for the physical development of the County. Ventura County's General Plan (available at <https://vcrma.org/ventura-county-general-plan>) contains county-wide goals, policies, and programs within four chapters, four appendices, and several Area Plans. Most relevant to the LARA Program review and SMARA implementation is Chapter 1.4 on Mineral Resources. This chapter presents a general discussion of the mineral resources located within the County and lists the goals, policies, and programs that apply.

Surface Mining Ordinance

Ventura County's Non-Coastal Zoning Ordinance constitutes the comprehensive zoning regulations for the unincorporated areas of the County, excluding the Coastal Zone, and was adopted to:

- Promote the public health, safety, and general welfare

- Provide the environmental, economic, and social advantage which result from an orderly, planned use of resources
- Establish the most beneficial and convenient relationships among land uses
- Implement the County's General Plan

Specifically, Division 8, Chapter 1, Article 7, Section 8107-9 of this ordinance is the primary instrument for implementing the goals, objectives, and policies of the County's General Plan, pursuant to the mandated provisions of SMARA.

On November 10, 1999, the State Mining and Geology Board (SMGB) certified the County of Ventura mining ordinance under Resolution number 9934, Ordinance number 4187. The Ventura County Non-Coastal Zoning Ordinance is posted at: https://docs.vcrma.org/images/pdf/planning/ordinances/VCNCZO_Current.pdf.

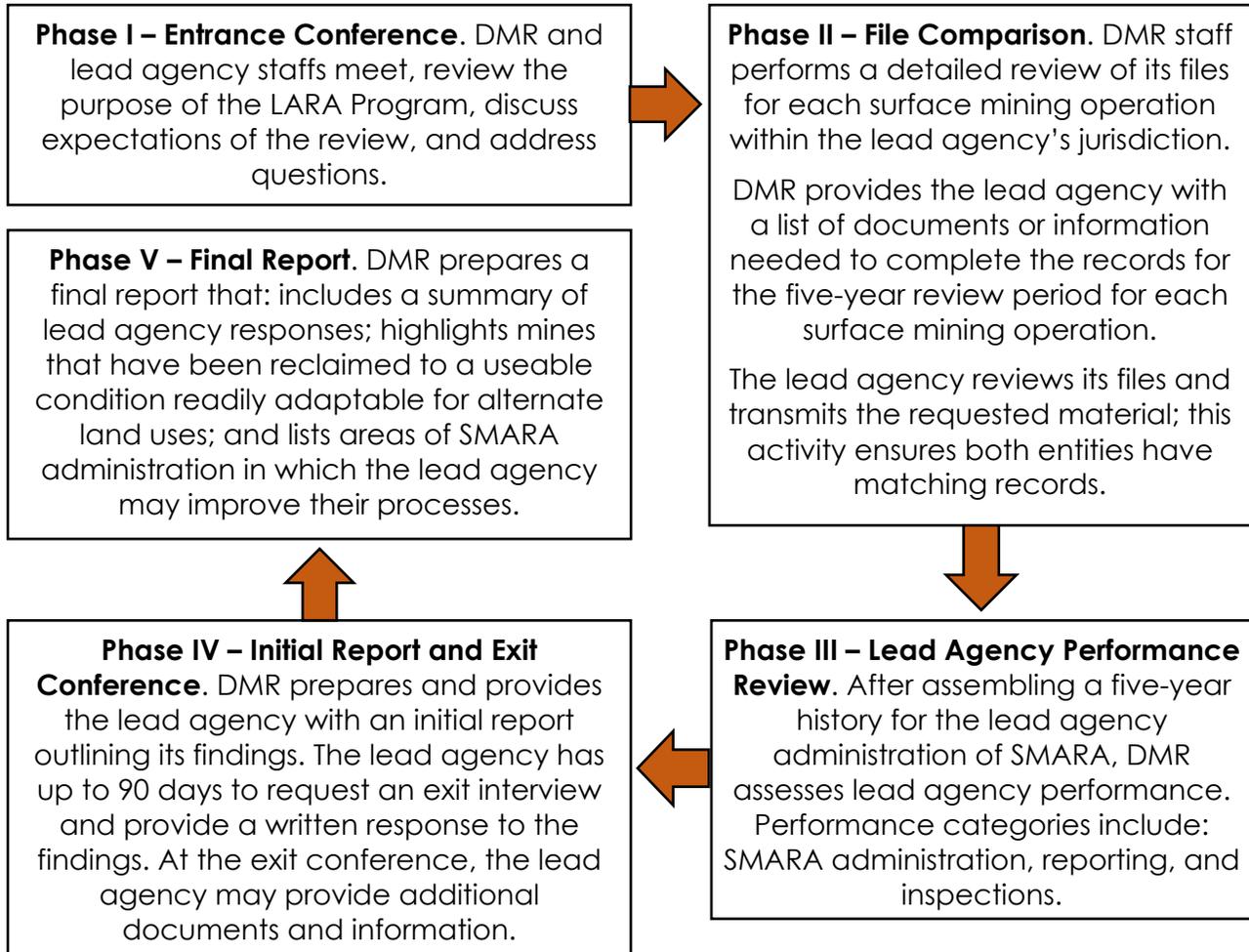
2. Surface Mining Procedures

The County was unable to provide written documentation of its surface mining administrative review procedures for SMARA for the LARA Program review. The County details elements of the current discretionary review process for surface mining and reclamation at: <https://docs.vcrma.org/images/pdf/planning/programs/smara/smara-smp-rp.pdf>. The County also discusses program compliance on its Surface Mining and Reclamation webpage: <https://www.vcrma.org/surface-mining-and-reclamation-act-smara-program>.

II. LEAD AGENCY REVIEW AND ASSISTANCE PROGRAM REVIEW ACTIVITIES

The LARA Program review process consists of the five phases identified in Figure 2.

Figure 2. LARA Program Review Process Flowchart



A. Phase I: Entrance Conference

On July 31, 2017, DMR and County staff held an introductory meeting (Entrance Conference). The purpose of the meeting was to introduce the County staff and DMR, provide an overview of the LARA Program, discuss LARA Program review and mutual expectations, and answer any questions. Meeting participants were:

County of Ventura

- Kim Prillhart, Planning Director
- Ebony McGee, Planner/SMARA Program Coordinator
- Brian Baca, Manager, Commercial and Industrial Permits

Division of Mine Reclamation

- Pat Perez, Supervisor of Mine Reclamation, Division of Mine Reclamation
- April Balestreri, Reporting Unit Manager
- Connie Spade, Associate Environmental Planner
- Joshua Goodwin, Engineering Geologist
- Bret Koehler, Engineering Geologist

Current DMR and County contacts are listed in Attachment F.

B. Phase II: File Comparison

The DMR staff inventoried the contents of its mine files for all existing surface mining operations subject to SMARA within the County's jurisdiction and within the review period (Table 1 and Figure 1 above identify the 13 existing surface mining operations in Ventura County). To ensure that both the County and DMR files contained the same operative documents as well as routine and non-routine submittals for each mining operation, (1) DMR staff requested from the County any documents missing from DMR's files; and (2) County staff responded by providing many of the missing documents.

Examples of non-routine submittals and supporting documents include:

- Current approved RP (as amended, if applicable)
- Current approved Conditional Use Permit (CUP) and Conditions of Approval
- Comment letters from DMR regarding a RP or RP amendment
- Documents certifying RPs and RP amendments as complete and ready for review
- Response letters from the County (if DMR commented on a document)
- County Hearing notices
- Final responses to comments (if DMR commented on a document)
- Any documents related to compliance actions during the review period

Examples of annual routine submittals include:

- Operator's AR and fee payment
- FACE with the associated Statement of Adequacy (SOA) and responses to any DMR comment letters
- FAM
- IR with the associated Inspection Notice IN

Documents for the mining operation within the City can be requested by emailing DMR-Submittals@conservation.ca.gov.

C. Phase III: Performance Review

1. Reclamation Plans and Amendments, Permits, and Compliance Actions

SMARA Section 2770 requires that a person shall not conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation. Table 2 summarizes reclamation plan amendment activity for the mines during the LARA review period. Attachment A provides a detailed chronology for the LARA review period for each mine's SMARA-related activities.

2. Financial Assurances

Financial assurances under SMARA consist of the initial and annual FACE and FAM. Operators are required to submit an annual FACE for each mine operation to the County (PRC Section 2773.1(a)(3)). SMARA requires the lead agency to submit the FACE to DMR for review and comment together with a SOA. The FAM is required to be equal to or greater than the FACE.

Table 3 presents and compares FACE and FAM values for the County's active mining operations during the review period (2012-2016) and a note of "inadequate" is shown if the FACE exceeded the FAM. In general, the County SMARA program applied FACEs to an 18-month period, which is not consistent with SMARA's annual reporting requirement.

Table 4 presents a summary of the annual documents required by SMARA that were within DMR files and/or were provided by the lead agency.

3. Annual Inspection, Inspection Report (IR) and Inspection Notice (IN)

The County is required to inspect all mines annually (PRC Section 2774(b)). Ventura County inspects all mines in its jurisdiction usually during September of each year. Table 4 contains a Performance Summary for each mine on this activity.

During the review period of 2012 to 2016, SMARA required lead agencies to provide an IN, along with the IR within 30 days of the completion of the inspection.² While DMR provided a form for the IN, lead agencies were not required to use them. On some occasions, Ventura County wrote transmittal letters for the IR that included information required in the IN.

² Post-2016 amendments to SMARA (Assembly Bill [AB]1142) resulted in changing the name of the IN, expanding information collected, and increasing the time that the lead agency must provide the document to DMR from 30 to 90 days (see Attachment C). These changes do not apply to this LARA Program review.

Table 2. Reclamation Plan-Related Activities during LARA Program Review Period (2012-2016)

Mine ID # / Name	LA sent RP to DMR	DMR reviewed & commented within 30 days	LA responded to DMR comments	LA notified DMR of public hearing	LA approved	LA recorded with County Clerk
56-0001 / Frazier Park	N/A	N/A	N/A	N/A	N/A	N/A
56-0009 / Best Rock / Red Rock*						
56-0010 / Best Rock*						
56-0011 / Pacific Rock, Inc.	N/A	N/A	N/A	N/A	N/A	N/A
56-0013 / MRC Rock and Sand, LLC	2/16/16	4/14/16	No record			
56-0014 / Moorpark	12/8/16	Outside of review period				
56-0015 / Tapo Rock and Sand, Inc.	11/1/13	11/26/13	No response	No record of notice; hearing on 1/3/14	1/4/14	No
56-0016 / Cuyama Gypsum Quarry	No records	6/3/16 letter; effective 6/14	No			
56-0021 / Tapo Canyon Mine	N/A	N/A	N/A	N/A	N/A	N/A
56-0025 / Mosler Rock Ojai Quarry	2/28/12	3/16/12	3/20/12	No record of notice; hearing on 4/12/12	RPCA approved 4/17/12	No
56-0028 / Wayne J. Sand and Gravel, Inc.	2/14/13	4/5/13	6/18/13	Planning Commission (CEQA): 1/28/16 Board of Supervisors: 4/11/16	5/3/16	No

Table 2. Reclamation Plan-Related Activities during LARA Program Review Period (2012-2016)

Mine ID # / Name	LA sent RP to DMR	DMR reviewed & commented within 30 days	LA responded to DMR comments	LA notified DMR of public hearing	LA approved	LA recorded with County Clerk
56-0030 / Rancho San Cristobal Clay Mine	10/5/15	11/4/15		11/30/16	12/29/16 (Planning Commission)	No
56-0032 / Grimes Rock	4/9/12; received 4/11/12	5/11/12	6/20/12	Planning Commission (CUP4874-2): 10/24/12; 5/8/13; 6/4/13 Board of Supervisors (CUP4874-2): 10/22/13	Planning Commission (CUP4874-2): 6/27/13 Board of Supervisors (CUP4874-2): 10/22/13	No

Abbreviations: CEQA = California Environmental Quality Act; CUP = Conditional Use Permit; DMR = Division of Mine Reclamation; LA = Lead Agency; LARA = Lead Agency Review and Assistance (Program); N/A = Not Applicable; RP = Reclamation Plan; RPCA = Reclamation Plan Compliance Agreement

Note: * = mine was abandoned during LARA Review (not evaluated for this table).

Table 3. Financial Assurances (2012-2016)

Mine ID # / Name	FACEs ¹		FAMs from AR ²		FAM/FACE Relationship ³
	Document Date/Amount		Document Date/Amount		
56-0001 / Frazier Park	3/29/12	\$1,119,661.00	2012	\$1,111,266.00	inadequate
	5/1/13	\$1,133,301.00	2013	\$1,222,029.00	+
	1/22/14	\$1,222,029.00	2014	\$1,190,311.00	inadequate
	11/11/14	\$1,190,311.00	2015	\$1,192,789.00	+
	6/14/16	\$1,192,789.00	2016	\$1,192,789.00	+
56-0009 / Best Rock/Red Rock ⁴	8/30/10	\$25,186.35	2012	\$25,186.35	+
56-0010 / Best Rock ⁴	8/1/12	\$891,208.65	2012	\$891,208.65	+
56-0011 / Pacific Rock, Inc.	8/29/11	\$448,540.00	2012	\$449,715.00	+
	9/30/13	\$544,858.00	2013	\$544,858.00	+
	1/30/14	\$544,858.00	2014	\$544,858.00	+
	11/25/14	\$595,901.00	2015	\$686,429.00	+
	11/29/16	\$650,733.00	2016	\$688,159.00	+
56-0013 / MRC Rock and Sand, LLC	5/27/11	\$30,764.00	2012	\$58,963.59	+
			2013	\$58,963.59	+
	5/2/14 ⁵	\$40,246.00	2014	\$58,963.59	+
	12/10/15	\$52,317.00	2015	\$58,963.59	+
	12/23/16	\$51,468.00	2016	\$58,963.59	+
56-0014 / Moorpark	2/14/12	\$770,499.00	2012	\$1,388,144.45	+
	1/14/13	\$829,225.00	2013	\$1,388,144.45	+
	3/31/14	\$837,916.00	2014	\$1,388,144.45	+
	11/1/14	\$841,895.00	2015	\$1,388,144.45	+
	10/1/16	\$898,493.00	2016	\$1,388,144.45	+
56-0015 / Tapo Rock and Sand, Inc.	2012-2013	\$115,762.98	2012	\$115,856.75	+
	2013-2014	\$149,823.62	2013	\$115,856.75	inadequate
	2014-2015	\$130,840.47	2014	\$134,840.75	+
	2015-2016	\$130,840.47	2015	\$159,057.04	+
	2016-2017	\$133,040.39	2016	\$159,140.56	+
56-0016 / Cuyama Gypsum Quarry	7/19/11	\$375,754.00	2012	\$424,310.98	+
			2013	\$495,468.00	+
	1/31/14	\$500,592.00	2014	\$500,592.00	+
	11/19/15	\$748,653.00	2015	\$586,622.00	inadequate
	12/26/16	\$890,490.00	2016	\$586,622.00	inadequate

Table 3. Financial Assurances (2012-2016)

Mine ID # / Name	FACEs ¹		FAMs from AR ²		FAM/FACE Relationship ³
	Document Date/Amount		Document Date/Amount		
56-0021 / Tapo Canyon Mine	3/9/11	\$3,201,818.00	2012	\$3,235,362.00	+
	5/22/13	\$3,200,545.00	2013	\$3,350,000.00	+
	1/31/14	\$3,327,465.00	2014	\$3,350,000.00	+
			2015	\$3,500,000.00	+
			2016	\$3,600,000.00	+
56-0025 / Mosler Rock Ojai Quarry	2/16/12	\$244,000.00	2012	\$47,322.33	inadequate
			2013	\$244,000.00	+
			2014	\$244,000.00	+
			2015	\$244,000.00	+
			2016	\$244,000.00	+
56-0028 / Wayne J. Sand and Gravel, Inc.	10/8/12	\$2,818,144.00	2012	\$1,427,142.00	inadequate
	7/17/13	\$1,975,350.00	2013	\$1,975,350.00	+
	5/1/14	\$1,739,946.00	2014		+
			2015		+
	10/14/16	\$1,581,738.00	2016		+
56-0030 / Rancho San Cristobal Clay Mine	12/30/11	\$80,522.00	2012	\$82,120.62	+
	2/28/13	\$92,990.00	2013	\$92,900.00	inadequate
	4/29/14	\$102,732.00	2014	\$102,732.00	+
	12/9/15	\$117,076.00	2015	\$117,114.00	+
	12/22/16	\$118,512.00	2016	\$118,512.00	+
56-0032 / Grimes Rock	8/19/11	\$459,814.89	2012	\$459,814.89	+
			2013	\$768,552.00	+
	4/25/14	\$768,552.00	2014	\$768,552.00	+
	5/1/15	\$842,107.00	2015	\$842,107.00	+
			2016	\$842,107.00	+

Notes:

- ¹ The FACE values came from FACE documents that the County provided during (1) the annual review process or (2) the LARA Program document exchange phase.
- ² FAM values for this exercise were obtained from the Annual Report, submitted by the operators to DMR approximately six months after the reporting year. This source consistently had FAM information included.
- ³ A "+" symbol indicates that the FAM and FACE were at least equal.
- ⁴ Mining operation abandoned; financial assurances forfeited; County Reclamation Plan
- ⁵ Revised FACE submitted in November 2014; no change in amount of FACE.

Table 4. Lead Agency Document Submittal Performance Summary (2012-2016)

Mine ID # / Name	IR ¹ (annual)	IN	FACE ²	SOA ³	FACE Approval	Enforcement Actions	
56-0001 / Frazier Park	5/5	1/5	5/5	0/5	0/5	None	
56-0009 / Best Rock/Red Rock	1/5	0/5	1/1	0/5	0/5	Permit revoked; Abandoned; FAM forfeited	
56-0010 / Best Rock	1/5	1/5	1/1	0/5	0/5	1/30/2012: NOV sent; Permit revoked; Abandoned; FAM forfeited	
56-0011 / Pacific Rock, Inc.	4/5	1/5	5/5	0/5	0/5		
56-0013 / MRC Rock and Sand, Inc.	5/5	1/5	4/5	0/5	0/5		
56-0014 / Moorpark	4/5	1/5	5/5	0/5	0/5		
56-0015 / Tapo Rock and Sand, Inc.	5/5	1/5	5/5	0/5	0/5		
56-0016 / Cuyama Gypsum Quarry	4/5	1/5	3/5	0/5	0/5		
56-0021 / Tapo Canyon Mine	5/5	0/5	3/5	0/5	0/5		
56-0025 / Mosler Rock Ojai Quarry	4/5	1/5	1/5	0/5	0/5	1/6/2016: Excluded from AB 3098 list; 2/16/2012: CA signed	
56-0028 / Wayne J. Sand and Gravel, Inc.	5/5	0/5	4/5	0/5	0/5	4/25/2012: NOV sent; 9/14/2012: CA signed	
56-0030 / Rancho San Cristobal Clay Mine	4/5	1/5	5/5	0/5	0/5		
56-0032 / Grimes Rock	5/5	0/5	3/5	0/5	0/5		
RECORDS SUMMARY	Submitted	52/65	9/65	45/65	0/65	0/65	
	% Submitted	80%	14%	69%	0%	0%	

Abbreviations: AR= Annual Report; CA = Compliance Agreement; FACE = Financial Assurance Cost Estimate; FAM = Financial Assurance Mechanism; IN = Inspection Notice; IR = Inspection Report; NOV = Notice of Violation; SOA = FACE Statement of Adequacy

Notes:

- ¹ To evaluate this field, DMR staff first looked for presence of a submitted IR; if not available, DMR staff looked to the AR to determine if it was appended to this document.
- ² County applied submitted FACEs to an 18-month period. Statutes require FACE documents be submitted every 12 months.
- ³ County made statements of acceptance, not adequacy and implemented a FACE review process that was not in compliance with SMARA.

4. Annual Reports (AR)³

Pursuant to PRC Section 2207, surface mine operators are required to submit annual reports and pay a reporting fee to DMR. Mine operators also are required to send a copy of their annual report to the lead agency. Annual reports include information about the mine's reporting status (active, idle, under reclamation, or reclaimed), disturbed and reclaimed acreage amounts, and production during the previous year.

During the review period, DMR received annual reports for all active surface mines (except for Best Rock/Red Rock [56-0009] and Best Rock operations [56-0010], as they became abandoned during the review period).

D. Phase IV: Initial Report

The Initial Report was provided to the County for review on March 8, 2019. During the preparation of the Initial Report, both DMR and the County experienced staff turnover.

E. Phase V: Final Report

The Final Report was released and posted to the Department of Conservation website in October 2019.

1. Summary of Lead Agency Responses to the Initial Report

The County submitted additional documents to DMR to consider in preparation of the Final Report and provided informal comments to the Initial Report in the form of revised text. Due to the discussions and number of documents provided during review of the Initial Report, DMR staff provided the County with a copy of the Final Report for review prior to its release. Comments from the County staff and DMR staff response to those comments are found in Attachment E.

2. Reclamation During Review Period

During the review period, no surface mines were reclaimed to a useable condition readily adaptable for alternate land uses.

3. Review of Lead Agency's SMARA Administration

Section III presents the DMR staff's findings and recommendations to the lead agency.

³ An AR is submitted by the mining operator, not the lead agency, and is, therefore, not directly covered in the LARA review. Information on ARs is presented here as it is part of SMARA implementation.

III. FINDINGS AND RECOMMENDATIONS TO LEAD AGENCY

Presented below are DMR staff's findings and recommendations to the lead agency, following staff's review of the County's administration of the core requirements of SMARA during the LARA Program review period (2012 through 2016).

A. Reclamation Plans and Amendments, Permits, and Compliance Actions

1. **Finding #1.** Eleven of the 13 surface mines under the County's jurisdiction that were active at the start of 2012 had approved permits; the two surface mines without permits—Best Rock/Red Rock (56-009) and Best Rock (56-0010)—had applications under review by the County; however, the County took approximately 14 years to act upon a permit modification determination for these mines and later revoked the permit for Best Rock.

Recommendation #1. The County must ensure that every surface mining operation within its jurisdiction complies with SMARA by having approved permits, in addition to reclamation plans and adequate financial assurances (PRC Section 2770).

2. **Finding #2.** All 13 surface mines active at the start of 2012 had approved RPs. During the review period, the County generally followed SMARA requirements for processing of reclamation plans and amendments, with a few exceptions.

- a. The County, not the mine operator, developed a reclamation plan for abandoned operations at Best Rock (56-0010). At the time, SMARA lacked provisions for a lead agency to develop a reclamation plan.

Recommendation #2a. To complement and support timely reclamation plan processing, the County must review and amend reclamation plans when it appears that surface mining operations may no longer be reclaimed in accordance with the approved reclamation plan as required by Title 14, California Code of Regulations Section 3502(e).

- b. Notices of RP approval were not submitted to the County Recorder.

Recommendation #2b. The County must file a "Notice of Reclamation Plan Approval" with the County Recorder upon approval of each reclamation plan or amendment to a reclamation plan; the Notice shall contain the language and information required in PRC Section 2772.7(a) & (b).

3. **Finding #3.** The County took enforcement actions or pursued forfeiture on four surface mines during the review period: Best Rock/Red Rock (56-0009), Best Rock (56-0010), Mosler Rock Ojai Quarry (56-0025), and Wayne J. Sand and Gravel, Inc. (56-0028). The sites are either operating under compliance agreements or are abandoned and are to be reclaimed by the County. However, the County allowed for surface mining operations to continue at two mines after violations of the mining

operations' reclamation plans were documented by inspection (56-0010, 2000 & 2012; 56-0028).

Recommendation #3. The County must provide timely enforcement of SMARA requirements (e.g., issue enforcement actions) to amend reclamation plans when operations can no longer be reclaimed in accordance with the approved reclamation plan as required by Title 14, California Code of Regulations Section 3502(e). The severity of enforcement actions could be minimized through proactive inspection reporting, prompt reporting, and quicker action on deficiencies and violations found at surface mining sites.

B. Financial Assurances

4. **Finding #4.** During the review period, the County adjusted and maintained FAMs in most, but not all instances (except for Best Rock [56-0010] and Best Rock/Red Rock operations [56-0009], which became abandoned during the review process). By the end of the review period (2016), all but one surface mine (Cuyama Gypsum Quarry (56-0016)) had FAM values that were at least equivalent to the annual FACE.

Recommendation #4. The County must ensure that each mining operation has an adequate financial assurance. The extraordinary measures the County needed to take to address Best Rock mine (Mine ID #56-0010) highlight the need to estimate, as accurately as possible, the final cost of reclamation.

5. **Finding #5.** The County's process for FACEs does not comply with SMARA. For example:
- During the review period (2012-2016), the County had a 78 percent submittal rate on FACEs.
 - The County applied a submitted, accepted FACE to an 18-month period.
 - The County submitted annual FACE documents to DMR after it "accepted" the FACE amount and concurrent with notification being sent to the operator.
 - The FACE transmittal lacked SMARA determination of the FACE being "adequate, complete, and consistent with PRC Section 2773.1."
 - The County did not notify the Supervisor of Mine Reclamation within DMR of an approved FACE.

Recommendation #5. Operator submittal and County approval of FACEs must comply with PRC Section 2773.1. For example:

- a. The County shall ensure that each mining operator submits a FACE annually for review, either:
 - within 30 days of an annual inspection being conducted pursuant to Section 2774, an operator shall provide an annual financial assurance cost estimate to the lead agency for review (PRC Section 2773.4(d)(1)(A))

- within 30 days of the applicable inspection date (i.e., on the date requested by the operator pursuant to PRC Section 2207 or on the date set by the lead agency pursuant to Section 2774(c)) should the lead agency fail to cause the inspection of the surface mining operation (PRC Section 2773.4(d)(1)(B))
 - b. For FACE submittals, the County's process must include a statement of adequacy based on its review and analysis of the operator's FACE so that a clear statement of adequacy of an approved FACE is made and is transmitted to DMR.
 - c. Following approval, the County must provide copies of the FACE to DMR.
6. **Finding #6.** The County collected FAMs for two surface mining operations in 2013. Neither site has been reclaimed.

Recommendation #6. The County must ensure timely remediation of mine sites where financial assurances have been forfeited.

C. Annual Inspections, Inspection Reports, and Inspection Notices

7. **Finding #7.** The County conducted 52 of an expected 65 (80%) annual inspections of mines within its jurisdiction as determined by submittal of the IR.
- a. The County did not formally inspect two mines (Best Rock/Red Rock [56-0009] and Best Rock [56-0010]) between 2013 to 2016 as they were deemed abandoned in 2013.
 - b. This LARA review reveals a history of inadequate inspections. For example, four mining operations were cited as mining outside boundaries during this review period, but the IRs rarely documented a violation. Inadequate inspections likely resulted in delayed enforcement action and manifestation of larger compliance issues.
 - c. Few INs were found during the file review (14%). In addition, the IRs recorded deficiencies but did not always record them as violations or recommend enforcement.

Recommendation #7. Implementation of a proactive and rigorous inspection program would enable the County to both identify and correct deficiencies before they become large-scale problems.

D. Annual Reports

8. **Finding #8.** Mine operators submitted 100 percent of their Annual Reports during the review period (this finding excludes the two mines that became abandoned during the review process).

Recommendation #8. DMR and County staff should consult if a review of an annual report shows that discrepancies exist, or if an annual report does not include all

required information (e.g., a mine's reporting status, disturbed and reclaimed acreage amounts, and production during the previous year).

E. General Findings

9. **Finding #9.** The County must ensure its implementation of SMARA in the future is consistent with the recent amendments to SMARA.

Recommendation #9a. In compliance with SMARA (PRC Section 2774(b)(1)), the County must:

- cause surface mining operations to be inspected in intervals of no more than 12 months
- provide a notice of completion of inspection to the supervisor [of Mine Reclamation within DMR] within 90 days of conducting the inspection
- ensure that the notice of completion of inspection contains a statement regarding the surface mining operation's compliance with SMARA and a copy of the completed inspection form
- specify, as applicable, all the following:
 - (A) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were corrected before the submission of the inspection form to the supervisor
 - (B) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
 - (C) A statement describing the lead agency's intended response to any aspects of the surface mining operation found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor
 - (D) A statement as to whether the surface mining operation is out of compliance with an order to comply or stipulated order to comply issued by the lead agency

Recommendation #9b. The County's mining ordinance, which the SMGB certified pursuant to PRC Section 2774.5 on November 10, 1999, must be updated consistent with the recent amendments to SMARA. For example, the process for reviewing and approving FACEs has been expanded to include DMR's authority to request a consultation meeting with lead agencies over pending FACEs, as well as DMR's authority to appeal a lead agency approved FACE to the SMGB.

IV. RESOURCES USED IN REPORT PREPARATION

A. County of Ventura

1. Ventura County SMARA Program webpage:
<https://vcrma.org/surface-mining-and-reclamation-act-smara-program>
2. Ventura County Non-Coastal Zoning Ordinance, Section 8107-9, Chapter 1, Surface Mining and Land Reclamation
https://docs.vcrma.org/images/pdf/planning/ordinances/VCNCZO_Current.pdf
3. Ventura County General Plan: <https://vcrma.org/ventura-county-general-plan>
4. Ventura County Planning Commission Hearing Videos:
<https://vcrma.org/planning-commission>
5. Ventura County General Plan. Goals, Policies & Programs. Section 1.4 Mineral Resources:
<https://docs.vcrma.org/images/pdf/planning/plans/Goals-Policies-and-Programs.pdf>

B. State of California

See Attachment B

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ATTACHMENT A

SMARA-Related Chronologies for Each Mine

- A1 — FRAZIER PARK (56-0001) MINE CHRONOLOGY
- A2 — BEST ROCK/RED ROCK (56-0009) MINE CHRONOLOGY
- A3 — BEST ROCK (56-0010) MINE CHRONOLOGY
- A4 — PACIFIC ROCK, INC. (56-0011) MINE CHRONOLOGY
- A5 — MRC ROCK AND SAND, LLC (56-0013) MINE CHRONOLOGY
- A6 — MOORPARK (56-0014) MINE CHRONOLOGY
- A7 — TAPO ROCK AND SAND, INC. (56-0015) MINE CHRONOLOGY
- A8 — CUYAMA GYPSUM QUARRY (56-0016) MINE CHRONOLOGY
- A9 — TAPO CANYON MINE (56-0021) MINE CHRONOLOGY
- A10 — MOSLER ROCK OJAI QUARRY (56-0025) MINE CHRONOLOGY
- A11 — WAYNE J. SAND AND GRAVEL, INC. (56-0028) MINE CHRONOLOGY
- A12 — RANCHO SAN CRISTOBAL CLAY MINE (56-0030) MINE CHRONOLOGY
- A13 — GRIMES ROCK (56-0032) MINE CHRONOLOGY

Abbreviations used in Attachment A

- AR = Mining Operation Annual Report
- CA = Compliance Agreement
- CUP = Conditional Use Permit
- DMR = Division of Mine Reclamation
- FACE = Financial Assurance Cost Estimate
- FAM = Financial Assurance Mechanism
- IN = Inspection Notice
- IR = Inspection Report
- NOV = Notice of Violation
- RP = Reclamation Plan
- RPA = Reclamation Plan Amendment
- SOA = FACE Statement of Adequacy

A1 — FRAZIER PARK (56-0001) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
7/26/1978	CUP 212 noted that mining at site (clay mine) occurred as early as 1955		X					
11/8/1979	RP approved	X						
Current Permit Status/RP Status								
2/25/2010	RP amended	X						
LARA Review Period (2012 2016)								
3/29/2012	FACE prepared on 3/29/2012; total calculated reclamation cost estimated to be \$1,119,661.00			X				
8/23/2012	Inspection conducted; IR signed 10/26/2012; no violations (next inspection by 8/23/2013); no IN; DMR received 10/26/2012					X		
5/1/2013	FACE prepared on 5/1/2013 and submitted to DMR on 8/1/2013; total calculated reclamation cost estimated to be \$1,133,301.00			X				
8/8/2013	Posted FAM amount was \$1,119,661.00				X			
8/22/2013	Inspection conducted; IR signed 2/10/2014; no violations (next inspection by 8/22/2014); no IN; DMR received 2/10/2014					X		
9/27/2013	FAM release package presenting transfer of FAM between financial institutions; posted amount (unchanged; \$1,119,661.00); no DMR date stamp				X			
1/21/2014	FAM signed 1/21/2014; transmitted to lead agency on 1/22/2014; total posted was \$1,222,029.00				X			
1/22/2014	FACE prepared; total calculated reclamation cost estimated to be \$1,222,029.00			X				
7/28/2014	Letter from DMR to Lead Agency: missing or incomplete 2013 IR					X		
8/14/2014	Inspection conducted; IR signed 3/19/2015; no violations (next inspection by 8/14/2015); no IN					X		
11/11/2014	FACE prepared on 11/11/2014; total calculated reclamation cost estimated to be \$1,190,311.00			X				
11/12/2014	Posted FAM amount was \$1,190,311.00				X			
9/25/2015	Inspection conducted; IR signed 9/25/2015; no violations (next inspection by 9/25/2016); no IN					X		

A1 — FRAZIER PARK (56-0001) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
6/14/2016	FACE prepared on 6/14/2016; total calculated reclamation cost estimated to be \$1,192,789.00; DMR received 1/18/2017			X				
9/14/2016	Inspection conducted; IR unsigned; no violations (next inspection by 9/13/2017); no IN					X		

A2 —BEST ROCK/RED ROCK (56-0009) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
5/10/1975	Planning Commission authorized CUP No. 3451; estimated life of mining operation was 50 years		X					
5/10/1979	RP approved	X						
7/21/1988	Planning Commission approved extension of mine operation to 7/21/2000		X					
18 months prior to 7/21/2000	Permit modification to combine mining operation with Best Rock under the Best Rock CUP No. 4171 submitted *		X					
Current Permit Status/RP Status								
6/20/2013	Permit revoked at public hearing		X					X
LARA Review Period (2012 2016)								
8/14/2012	Lead agency conducted inspection; noted reclamation had not yet begun and that mine was active during inspection; no violations noted (however, operator has active compliance agreement with lead agency); IR signed by inspector on 10/31/2012					X		
6/20/2013	Planning Commission revoked CUP 4171-2 for Best Rock aggregate mining facility; this action terminated CUP modification application for combining Best Rock/Red Rock and Best Rock permits							X
9/18/2013	Lead Agency received/confirmed email from mine owner/operator/ representative that communicated Best Rock Products will not perform reclamation for Best Rock/Red Rock							X
10/11/2013	DMR sent notice to owner/operator and Lead Agency to file 2012 Mining Operation Annual Report							X
10/18/2013	DMR sent notice to owner/operator and Lead Agency to file 2012 Mining Operation Annual Report							X
11/20/2013	Planning Director Hearing: actions included finding that operator abandoned the surface mining operation without commencing reclamation; staff directed to notify operator of Best Rock Products mining facility (56-0009) of intent, within 10 days, by County to take appropriate actions in accordance with SMARA Section 2773.1(b) to cause forfeiture of							X

A2 —BEST ROCK/RED ROCK (56-0009) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
	operator's financial assurance; staff also directed to forfeit (collect) the financial assurance posted for the Best Rock/Red Rock site in accordance with SMARA Section 2773.1 (b); also found that enforcement action is exempt from environmental review							
9/19/2014	DMR sent notice to owner/operator and Lead Agency on Failure to File 2013 Mining Operation Annual Report							X

* County Ordinance provides that permits remain in force if the operator applies for renewal 18 months prior to permit expiration.

A3 — BEST ROCK (56-0010) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
2/28/1985	Planning Commission authorized CUP No. 4171; granted for 15 years ending on 2/28/2000		X					
2/28/1985	RP approved	X						
18 months prior to 7/21/2000	Permit modification submitted to combine mining operation with Best Rock/Red Rock (56-0009) under Best Rock CUP No. 4171*		X					
Current Permit Status/RP Status								
12/5/2012	Permit revoked at public hearing		X					X
LARA Review Period (2012 2016)								
11/22/2011	DMR sent technical assistance letter to Lead Agency	X						
1/30/2012	Lead Agency sent Notice of Violation letter to Operator (PV12-0002) for excavation outside of authorized limits, failure to post an adequate financial assurance, and failure to renew permit on a timely basis							X
2/6/2012	Operator filed appeals of SMARA and Planning notices of violation							X
3/29/2012	Operator submitted letter to County proposing alternatives to the requirement that the FACE account for 500,000 cubic yards of fill							X
4/9/2012	County staff and operator's representative met to discuss requirements for an adequate FACE							X
4/16/2012	Operator submitted another FACE to County							X
5/4/2012	FACE determined infeasible/inadequate; Operator given until 5/18/2012 to submit an adequate FACE							X
5/18/2012	DMR issued 15-day Notice to County requiring County to issue an Order to Comply to Best Rock and to obtain an approved reclamation plan from Best Rock							X
6/14/2012	County Planning and the Operator entered into a Compliance Agreement (CA12-0017); Operator withdraws pending appeals							X
6/21/2012	County Planning Commission canceled Appeal Hearing on financial assurance determinations after Operator submits a revised FACE and FAM that County determined to be adequate							X

A3 — BEST ROCK (56-0010) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
8/14/2012	Lead Agency conducted inspection; IR form signed; no violations but IR notes compliance agreement (CA12-0017) required Operator to address all outstanding violations on site; IN due on 9/13/2012; DMR received 10/26/2012; letter on 3/7/2013 indicates violations should have been checked					X		
10/10/2012	FACE submittal received from Lead Agency, which found submittal to be inadequate; FACE prepared on 8/1/2012			X				
10/26/2012	IN and IR transmitted to DMR						X	
11/9/2012	Best Rock submitted RP; County determined RP to be inadequate							X
11/21/2012	DMR provided letter to County stating no specific comments on FACE; FACE value remained unchanged							X
12/5/2012	Lead Agency letter on 11/9/2012 RP submittal sent to Operator detailing 56 deficiencies with RP that render it inconsistent with SMARA and County ordinance; DMR received 12/10/2012							X
12/5/2012	County issued Order to Comply and Notice of Permit Revocation on 12/5/2012; Compliance Agreement CA12-0017 terminated by County due to failure of Best Rock to meet the terms and conditions of the agreement							X
12/10/2012	County responded to DMR letter on 11/21/2012							X
2/5/2013	DMR sent letter to the County regarding FACE							X
2/14/2013	County responded to 2/5/2013 letter from DMR							X
2/14/2013	Appeal Hearing held before Planning Commission regarding Order to Comply and Permit Revocation							X
3/6/2013	Lead Agency sent letter to DMR to Notice the Order to Comply hearing scheduled for 4/18/2013							X
3/7/2013	Letter from Lead Agency to DMR clarifying IN (dated 10/26/2012)					X	X	
3/12/2013	DMR sent letter to County on accepted FACE							X
3/13/2013	DMR letter to owner/operator to inform that the mining facility will be removed from the AB 3098 list as of 4/15/2013							X

A3 — BEST ROCK (56-0010) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
4/2/2013	County sent letter to DMR in response to 3/12/2013 letter							X
4/18/2013	Planning Commission Hearing to: (1) uphold Planning Division's 12/5/2012 Order to Comply with SMARA; (2) order Operator to cease all mining operations; (3) find Operator has effectively abandoned surface mining operation without commencing reclamation; (4) direct staff to notify operator (within 10 days) of the County's intent to take appropriate actions to cause forfeiture of the Operator's financial assurances; (5) revoke CUP; Commission voted unanimously to continue hearing to 6/20/2013							X
6/20/2013	Planning Commission Hearing on Best Rock Products (continued) - Order to Comply; Notice of Permit Revocations; and Best Rock's Appeal; PC upheld issuance of the OTC and revoked the permit (CUP 4171)							X
9/12/2013 & 9/16/2013	Operator's representative notified Lead Agency that the mine facility has been abandoned							X
9/24/2013	Lead Agency letter to DMR covering: (1) FA forfeiture; (2) no RP for site to address entirety of the mined lands; however, new RP will be prepared under County supervision and forwarded to DMR for review and comment per SMARA; DMR received 10/2/2013							X
6/26/2014	DMR sent letter to Lead Agency with comments on County proposed RP							X
8/5/2014	Lead Agency response to comments letter signed and sent to DMR; letter includes information on public hearing							X
9/30/2014	DMR sent letter to Lead Agency indicated all comments made in 6/26/2014 letter have been addressed							X
10/13/2014	DMR notified of new hearing date							X
10/29/2014	Public hearing on County prepared RP							X

* County Ordinance provides that permits remain in force if operator applies for renewal 18 months before permit expiration and while the application is processed

A4 — PACIFIC ROCK, INC. (56-0011) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
1980	CUP 3817 granted in 1980; subsequent modifications have occurred		X					
Current Permit Status/RP Status								
1/15/2010	CUP 3817; RP approved through 7/17/2035	X						
4/11/2011	RP Compliance Agreement (RPCA)	X						
LARA Review Period (2012 2016)								
1/27/2012	Financial institute send letter notifying extension of the letter of credit (\$449,715.00)				X			
9/13/2012	Lead Agency conducted inspection; IR form signed; no violations (IN due on 10/14/2012); DMR received 10/24/2012					X		
10/11/2012	FAM amendment received; adjusted address for presentation of documents				X			
10/22/2012	IN transmitted IR to Operator and DMR; DMR received 10/24/2012; FACE to be submitted within 90 days						X	
9/12/2013	Lead Agency conducted inspection; IR form signed 2/6/2014; no violations; DMR received 2/10/2014					X		
9/30/2013	FACE document; total cost to reclaim estimated to be \$525,045.00; later determined to be a partial submittal and revised 1/30/2014			X				
1/30/2014	FACE document, update of the 9/30/2013 FACE document; total cost to reclaim estimated to be \$544,858.00			X				
1/31/2014	Financial institute extended letter of credit in amount of \$544,858.00				X			
3/4/2014	Confirmation of amount of FAM				X			
8/6/2014	DMR to Lead Agency: Missing or incomplete 2013 IR					X		
11/25/2014	FACE document; total cost to reclaim estimated to be \$686,429.00; later revised (7/9/2015)			X				
7/9/2015	FACE document revised; total cost to reclaim estimated to be \$686,429.00							
9/13/2015	Lead Agency conducted inspection; IR form signed 6/27/2016; no violations					X		
10/2/2015	FAM document that notified of amendment to posted amount; new amount - \$686,429.00				X			

A4 — PACIFIC ROCK, INC. (56-0011) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
12/15/2015	FACE document; total cost to reclaim estimated to be \$688,159.00			X				
9/21/2016	Lead Agency conducted inspection; no violations; IR form signed 3/7/2017; DMR received 6/30/2017					X		
12/26/2016	FACE document; total cost to reclaim estimated to be \$650,733.00; FACE document revised on 1/25/2017; DMR received 2/1/2017			X				

A5 — MRC ROCK AND SAND, LLC (56-0013) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
11/14/1985	CUP 4185 approved from 11/14/1985 to 11/14/2015; this is an in-river aggregate mining operation and the reclamation conditions are incorporated into the CUP	X	X					
Current Permit Status/RP Status								
2/16/2016	CUP amendment and RPA submitted to Lead Agency to extend operations for additional 30-year term; approved 12/20/2018)	X	X					
LARA Review Period (2012 2016)								
5/23/2012	FAM agreement sent to Lead Agency and DMR; FAM amount of \$52,582.00; DMR received 6/1/2012				X			
8/17/2012	DMR letter released interest in \$31,000 of the FMA principal				X			
8/27/2012	Additional FAM in the amount of \$6,381.59				X			
9/28/2012	Lead Agency conducted inspection; no violations; IR signed 10/26/2012; DMR received 10/26/2012					X		
10/26/2012	IN prepared and sent to operator (and DMR) along with signed IR						X	
8/28/2013	Lead Agency conducted inspection; no violations; IR signed 2/10/2014					X		
11/25/2013	FAM agreement sent to Lead Agency and DMR; FAM amount of \$52,582.00; DMR received 12/2/2013				X			
12/9/2013	FAM document extending terms sent to Lead Agency and DMR received 12/11/2013				X			
2/12/2014	New Bond/FAM \$58,963.59; DMR received 6/29/2015				X			
2/19/2014	Email from Lead Agency: (1) noted release of existing letters of credit (totaling \$58,963.59 posted by Upland Rock, Inc on 8/27/2012, and renewed on 8/20/2013); (2) notified DMR that effective 2/18/2014, MRC Rock and Sand, LLC, assumed reclamation responsibility for, and became the new operator for, 56-0013; (3) requested financial assurance release letter for previous FAM				X			

A5 — MRC ROCK AND SAND, LLC (56-0013) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
2/25/2014	FAM agreement sent to Lead Agency and DMR; FAM amount of \$6,381.59 not renewed; DMR received 2/26/2014				X			
3/24/2014	DMR sent letter to Lead Agency to release previous operator's FAM and to accept new FAM for 56-0013 in the amount of \$52,963.59				X			
5/8/2014	FACE submitted to DMR; FACE prepared on 5/2/2014; total reclamation cost calculated to be \$40,246.00			X				
8/25/2014	Lead Agency conducted inspection; no violations; IR signed 3/19/2015; DMR received 6/29/2015					X		
11/12/2014	FACE document; total estimated cost of reclamation calculated to be \$40,246.00			X				
9/25/2015	Lead Agency conducted inspection; no violations; IR signed 9/25/2015					X		
12/10/2015	FACE document; total estimated cost of reclamation calculated to be \$52,317.00			X				
2/16/2016	CUP amendment and RPA submitted to Lead Agency to extend operations for additional 30-year term	X	X					
4/14/2016	DMR provided comments on RPA	X						
10/5/2016	Lead Agency conducted inspection; no violations; IR signed 3/7/2017					X		
12/10/2016	FACE document; total estimated cost of reclamation calculated to be \$52,317.00			X				

A6 — MOORPARK (56-0014) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
12/10/1996	CUP 4633 approved and set to expire 12/9/2016	X	X					
9/21/2007	Approval of Reclamation Plan Amendment; DMR received 9/27/2007	X						
Current Permit Status/RP Status								
12/8/2016	Application for permit and RP renewal received by Lead Agency	X	X					
7/6/2017	Notice of Hearing on 8/8/2017 for modification to CUP and RP Amendment	X	X					
LARA Review Period (2012 2016)								
12/6/2011	FAM renewed in amount of \$1,236,056.08; DMR received 3/6/2012				X			
2/14/2012	FACE document; total cost for reclamation estimated to be \$770,499.00			X				
9/18/2012	Lead Agency conducted inspection; no violations; IR signed 10/22/2012					X		
9/23/2012	From County of Ventura to Operator: Exoneration of Surety Bond related to CUP 4633 at \$1,236,056.08 is no longer necessary				X			
10/22/2012	IN transmitted IR to DMR						X	
1/14/2013	FACE document; total cost for reclamation estimated to be \$829,225.00			X				
8/14/2013	Lead Agency conducted inspection; no violations; IR signed 2/10/2014; DMR received 2/10/2014					X		
2/14/2014	FACE for 17.13 acres reclaimed; Zero FACE			X				
2/20/2014	From DMR to Lead Agency: Partial Release of Financial Assurance for Reclaimed Areas			X				
3/14/2014	Lead Agency sent letter of partial reclamation completion to DMR			X				
3/20/2014	DMR sent letter requesting a revised FACE be prepared and submitted to accommodate request to remove reclaimed areas from the FACE			X				
3/31/2014	FACE submittal (document date 1/6/2014; revised 3/31/2014); total cost for reclamation estimated to be \$837,916.00; DMR received 4/30/2014			X				

A6 — MOORPARK (56-0014) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	CUP	FACE	FAM	IR	IN or NOCI	Enforcement
7/25/2014	From DMR to Lead Agency, missing or incomplete 2013 mining operation Lead Agency Inspection Report letter					X		
8/12/2014	Lead Agency conducted inspection; no violations; IR signed 3/19/2015; DMR received 6/30/2015					X		
11/1/2014	FACE document; total cost for reclamation estimated to be \$841,895.00; DMR received 6/30/2015			X				
9/10/2015	Lead Agency conducted inspection; no violations; IR signed 9/10/2015					X		
10/30/2016	FACE document; total cost for reclamation estimated to be \$898,493.00; DMR received 2/1/2017			X				
12/8/2016	Application for modified use permit and RP amendment received by Lead Agency	X	X					

A7 — TAPO ROCK AND SAND, INC. (56-0015) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
1972	Tapo Rock & Sand, Inc. took ownership of the surface mining operation under CUP 3348 until permit expired in 1989		X					
12/16/1993	CUP and RP No. CUP 4609 were obtained to continue mining at the site	X	X					
Current Permit Status/RP Status								
1/4/2014	Modification to CUP and RP; Case No. LU08-0116; permit modifications start: 1/13/14 and expire: 1/13/2042	X	X					
LARA Review Period (2012 2016)								
9/20/2011	Inspection conducted, no violations; Inspection Notice due to DMR within 30 days (10/20/2011) form signed 2/6/2012 and sent to DMR; DMR received 2/6/2012					X		
2/6/2012	Inspection Notice for 9/20/2011 inspection sent						X	
6/30/2012	2012-13 FACE (date unknown, so placed half way through year); total estimated cost to reclaim estimated to be \$115,762.98			X				
10/22/2012	Inspection conducted; IR signed 10/22/12; no violations; DMR received 6/20/2013					X		
9/9/2013	FAM letter indicating CDs automatically renewed				X			
9/12/2013	Inspection conducted; no violations; not signed; DMR received 6/13/2014					X		
11/1/2013	Lead Agency sent email/ letter to DMR for opportunity to review and comment on the RPA (30-day comment period); amendment would extend life of RP to 2042 and to conform the current reclamation standards	X						
11/26/2013	DMR sent letter stating no comments on RPA	X						
12/18/2013	Planning Director's Hearing on CUP amendment and RPA	X	X					
1/3/2014	Planning Director approved minor modification to CUP #4609	X	X					
1/4/2014	Conditions of Approval for CUP #4609 approved		X					
2/10/2014	FAM automatic renewal; amount deposited was \$14,983.72				X			

A7 — TAPO ROCK AND SAND, INC. (56-0015) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
5/8/2014	2013-14 FACE received by DMR; total cost to reclaim estimated to be \$149,823.62; DMR received 5/8/2014			X				
5/9/2014	FAM automatic renewal; amount deposited was \$18,984.00				X			
5/15/2014	FAM letter from bank confirmed deposits totaling \$122,127.90				X			
6/30/2014	2014-15 FACE (no date so placed half way through the year); total cost to reclaim estimated to be \$130,840.47			X				
8/28/2014	Inspection conducted; form signed 3/19/2015; no violations; DMR received 6/25/2015					X		
6/30/2015	2015-16 FACE (no date so placed halfway through year); total cost to reclaim estimated to be \$130,840.47			X				
9/25/2015	Inspection conducted; form signed 9/25/2015; no violations					X		
12/21/2015	FAM automatic renewal; amount deposited \$9,159.53				X			
5/31/2016	Inspection conducted; IR signed 6/23/2016; no violations; DMR received 7/1/2016					X		
6/30/2016	2016-17 FACE (no date so placed halfway through year); total cost to reclaim estimated to be \$133,040.39			X				
9/21/2016	Inspection conducted; form signed 3/07/2017; no violations; DMR received 7/3/2017					X		

A8 — CUYAMA GYPSUM QUARRY (56-0016) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
1949	Operation first permitted (now CUP 0043)		X					
Current Permit Status/RP Status								
12/2/1999	CUP 0043 modified and estimated finish 12/2/2024	X	X					
LARA Review Period (2012 2016)								
3/23/2012	Letter sent from DMR to release interest in FAM as Lead Agency had accepted adequate replacement FAM				X			
8/23/2012	Inspection conducted; form signed 10/22/2012; no violations					X		
8/22/2013	Inspection conducted; form signed 2/6/2014; no violations; DMR received 2/10/2014.					X		
10/22/2012	IR transmitted via IN to DMR and operator; DMR received 10/24/2012.						X	
1/31/2014	FACE prepared; total cost to reclaim estimated to be \$500,592.00			X				
4/30/2014	DMR received FACE submittal on 4/30/2014 from Lead Agency; total cost to reclaim estimated to be \$500,592.00			X				
4/30/2014	Lead Agency wrote bonding agent to increase the FAM for the mining operation; DMR received 6/29/2015				X			
7/25/2014	Letter from DMR to Lead Agency: missing or incomplete 2013 IR					X		
2/3/2015	Inspection conducted; form signed 3/19/2015; no violations; DMR received 6/29/2015					X		
9/25/2015	Inspection conducted; form signed 9/25/2015; no violations					X		
11/19/2015	Revised FACE document; total cost to reclaim estimated to be \$748,653.00; DMR received 7/1/2016			X				
6/3/2016	Lead Agency sent letter to Operator regarding approval of permit adjustment, which included amending the maximum slope gradient from 3:1 to 2:1 in the identified areas and revised the approved RP to reflect the changes in slope gradient; effective date of decision was 6/14/2016 (unless appealed)	X	X					

A8 — CUYAMA GYPSUM QUARRY (56-0016) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
9/14/2016	Inspection conducted; form signed 3/7/17; no violations; DMR received 7/3/2017					X		
12/27/2016	FACE document; total cost to reclaim estimated to be \$890,490.00			X				

A9 —TAPO CANYON MINE (56-0021) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
1962	Operations began at existing site		X					
3/7/1996	Existing CUP 1367-4 modified to changed excavation depth and change the end use	X	X					
Current Permit Status/RP Status								
3/11/2009	Modifications approved for existing permit		X					
5/15/2017	Modifications approved for existing permit to extend operation 45 years		X					
LARA Review Period (2012 2016)								
12/28/2011	FAM in amount of \$3,201,818.00; DMR received 1/6/2012				X			
9/13/2012	Inspection conducted; no violations; IR signed 10/22/2012					X		
10/22/2012	Lead Agency transmitted IR to DMR and to operator using IN						X	
5/22/2013	FACE document; total cost to reclaim estimated to be \$3,200,545.00			X				
9/12/2013	Inspection conducted; no violations; IR signed 2/10/2014; DMR received revised 4/25/2014					X		
10/18/2013	Notification to Lead Agency that FAM was renewed at \$3,235,362.00				X			
1/31/2014	FACE document; total cost to reclaim estimated to be \$3,327,465.00; DMR received 5/8/2014			X				
4/15/2014	DMR provided comments to FACE (no record in files, found this info on revised 9/12/2013 IR)					X		
8/27/2014	Inspection conducted; no violations; IR signed 3/19/2015; DMR received 4/25/2014					X		
5/14/2015	Letter from SESPE Consulting, Inc to Lead Agency, requesting SMARA closure of portions of the mine as reclaimed		X	X				
9/25/2015	Inspection conducted; no violations; IR signed 9/25/15					X		
11/17/2015	Zero FACE prepared to release liability on reclaimed lands			X				
12/30/2015	Lead Agency sent Notification of Designation on Permit Adjustment of CUP 1367-4; adjustment removed 1.65 acres of land from permit; Planning Director decision		X					
9/21/2016	Inspection conducted; no violations; IR unsigned					X		

A10 — MOSLER ROCK OJAI QUARRY (56-0025) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
1939	Intermittently mined as rock quarry							
1973	Operator notified continued mining would require a CUP							
1/15/1976	CUP No. 3489 approved; RP approved; mining approved for 20 years	X	X					
Current Permit Status/RP Status								
6/1/2015	Expiration date for reissued CUP; final reclamation expected to be completed by 6/1/2018	X	X					
LARA Review Period (2012 2016)								
1/6/2012	Notice of exclusion from AB 3098 List							X
1/12/2012	FAM confirmation; FAM in amount of \$23,290.00				X			
1/17/2012	FAM confirmation; FAM in amount of \$29,000.00				X			
1/31/2012	Lead Agency Letter to DMR on 1/26/2012 FACE review			X				
2/16/2012	Lead Agency and Operator entered into compliance agreement.							X
2/16/2012	FACE document; total cost to reclaim estimated to be \$244,000.00; DMR received 2/28/2012			X				
2/21/2012	FAM confirmation; FAM in amount of \$144,387.67				X			
2/22/2012	Lead agency sent to DMR - SMARA compliance status letter regarding progress made							
2/23/2012	Public hearing on 12/15/2011 continued to 2/23/2012 "to provide county and mine operator time to work out their differences"							
2/28/2012	RP Compliance amendment submitted for 30-day review, county determined amendment will not be a substantial deviation	X						
2/29/2012	FACE document; total cost to reclaim estimated to be \$244,000.00			X				
3/16/2012	DMR sent comments to Lead Agency regarding the RP Compliance Amendment (RPCA)	X						X
3/20/2012	Lead Agency responded to DMR Comments sent on 3/16/2012	X						
4/12/2012	Public Hearing on request to approve RP Compliance Amendment to the 1995 approved RP to abate violations of the CUP 3489-2 and SMARA	X	X					

A10 — MOSLER ROCK OJAI QUARRY (56-0025) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
4/17/2012	Lead Agency letter on decision on RPCA; RPCA approved	X						
4/18/2012	Lead Agency to Operator Permit adjustment granted letter		X					
5/18/2012	DMR responded to Lead Agency; no further comments on RPCA							X
6/13/2012	DMR confirmed placement of Quarry on AB 3098 list							
9/28/2012	Inspection conducted; no violations; signed 10/22/2012					X		
10/22/2012	Lead Agency transmitted IR with IN to Operator						X	
8/28/2013	Inspection conducted; no violations; signed 3/3/2014; DMR received 3/3/2014					X		
3/27/2014	FACE document; total cost to reclaim estimated to be \$254,351.00			X				
8/27/2014	Inspection conducted; no violations; signed 3/19/2015.					X		
12/3/2014	Planning Director letter on Determination on Permit Adjustment to CUP 3489-2	X	X					
10/10/2016	Inspection conducted; no violations; unsigned					X		
12/5/2016	Public Hearing-Planning Director	X	X					
12/6/2016	Lead Agency transmitted Planning Director Decision Regarding Minor Modification to the CUP 3489-2; effective date is 12/16/2016	X	X					

A11 — WAYNE J. SAND AND GRAVEL, INC. (56-0028) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
8/11/1992	CUP 4571 granted; expires 8/11/2012							
Current Permit Status/RP Status								
LARA Review Period (2012 2016)								
12/6/2011	DMR received letter for request for technical assistance from Lead Agency on 12/9/2011							
12/21/2011	FAM letter noting \$277,142.00 posted				X			
2/16/2012	DMR transmitted technical assistance letter to Lead Agency on approved reclamation plan and adequacy of the financial assurances posted for the site	X						
2/28/2012	Lead Agency transmitted letter to Operator for revised FACE			X				
4/25/2012	Lead Agency transmitted Notice of Violation							X
5/3/2012	Lead Agency issues Order to Comply and Notice of Permit Revocation							X
5/6/2012	IN sent for 2011 inspection conducted on 10/6/2011); several violations were noted						X	
9/11/2012	Lead Agency sent letter with information to operator prepare third party security bond				X			
9/14/2012	Compliance Agreement between Operator and Lead Agency developed (revised on 9/28/2012); signed between 10/4/2012 and 10/18/2012							X
9/18/2012	Inspection conducted; four violations; IR signed 10/31/2012					X		
11/7/2012	FACE submitted to DMR for Compliance Agreement; total cost to reclaim estimated to be \$2,818,144.00			X				
4/5/2013	DMR transmitted commented on the RP amendment	X						
6/18/2013	DMR received response to DMR comments on proposed RP; DMR received 6/19/2013	X						
7/17/2013	FACE document; total cost of reclamation estimated to be \$1,975,350.00; Lead Agency letter to Operator regarding recalculation of financial assurances			X				
7/18/2013	DMR transmitted letter indicating Lead Agency responses to comments were satisfactory	X						

A11 — WAYNE J. SAND AND GRAVEL, INC. (56-0028) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
7/22/2013	Transmittal of FACE prepared on 7/17/2013 to DMR			X				
9/4/2013	Inspection conducted; three violations; IR signed 2/10/2014					X		
1/21/2014	FACE document, revised 5/1/2014; DMR received 5/8/2014; total cost to reclaim estimated to be \$1,739,946.00			X				
11/4/2014	Inspection conducted; three violations; IR signed 3/19/2015					X		
12/3/2014	Lead Agency transmitted to Operator Determination on Permit Adjustment to CUP 3489		X					
3/12/2015	Notice of Availability for Public Review of Recirculated Draft Environmental Impact Report	X						
9/25/2015	Inspection conducted; three violations; IR signed 9/25/2015					X		
1/28/2016	DMR received undated Notice of Public Hearing (NOPH) for modification to the CUP – modification would amend RP to authorize expansion and continue operation for 30 years; increase mining production, and make other changes to hours of operation and procedures	X	X					
4/11/2016	DMR received undated NOPH on 5/3/2016 for modified CUP, amended RP and certify the EIR for mine expansion	X	X					
5/3/2016	RP amendment approved at Board of Supervisors meeting; developed 2/11/2013; revised 6/25/2013	X						
10/12/2016	Inspection conducted; three violations; IR signed 3/7/2017; DMR received 3/7/2017					X		

A12 — RANCHO SAN CRISTOBAL CLAY MINE (56-0030) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
6/11/1998	CUP 4913 granted and authorized surface mining activities until 6/11/2006	X	X					
2/29/2008	Planning Director approved extension of CUP 4913 until 6/11/2014	X	X					
Current Permit Status/RP Status								
5/15/2017	CUP modified and RP amended; mining extended for an additional 30 years (until 2046)	X	X					
LARA Review Period (2012 2016)								
12/30/2011	FACE document prepared; DMR received 6/17/2013; total cost to reclaim estimated to be \$80,522.00			X				
8/14/2012	Inspection conducted; no violations; IR signed 10/26/2012					X		
10/26/2012	Lead Agency transmits IR to DMR and to Operator with IN						X	
2/28/2013	FACE document; total cost of reclamation estimated to be \$92,990.00			X				
9/4/2013	Inspection conducted; no violations; IR signed 2/10/2014					X		
12/4/2013	FAM document posted at sum of \$92,900.00				X			
4/30/2014	DMR received FACE document that was prepared on 1/21/2014 and updated on 4/29/2014; comments due 6/14/2014; total cost of reclamation estimated to be 102,732.00			X				
4/30/2014	DMR sent letter to release current FAM with understanding that new FAM has been posted in the amount of \$92,900.00				X			
8/12/2014	Inspection conducted; no violations; IR signed 3/19/2015					X		
9/30/2015	Inspection conducted; no violations; IR signed 9/30/2015					X		
10/5/2015	DMR received amended RP PL14-0086 (CUP 4913)	X						
11/4/2015	DMR transmitted comments on RPA to Lead Agency.	X						
12/9/2015	FACE document; total cost of reclamation estimated to be \$117,076.00			X				
11/30/2016	DMR received 30 Day Hearing Notice for CUP modification and RPA	X						

A12 — RANCHO SAN CRISTOBAL CLAY MINE (56-0030) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
12/22/2016	FACE document prepared; DMR received 2/1/2017; total cost to reclaim estimated to be \$118,512.00			X				
12/29/2016	Public Hearing	X	X					
4/3/2017	Planning Director Hearing on CUP and RPA; consideration of extending surface mining activities for additional 30 years	X	X					

A13 — GRIMES ROCK (56-0032) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
Background Administrative Approvals								
1950s	Surface mining at site started; abandoned and left un-reclaimed in 1967		X					
1998	Mining operation operating under CUP 4874	X	X					
Current Permit Status/RP Status								
7/13/2017	CPU and RP amended to change boundaries to include highwall from Best Rock (56-0010); operations extended until 12/31/2045	X	X					
LARA Review Period (2012 2016)								
1/12/2012	FAM amended to a total aggregate amount of \$459,814.89				X			
4/9/2012	County provided proposed amended RP for review; DMR received 4/11/2012	X						
5/11/2012	DMR transmitted comments on RP amendment	X						
6/20/2012	Lead Agency provides response to 5/11/2012 comments on RP amendment	X						
7/13/2012	DMR transmit letter indicating that responses to previous comments are satisfactory	X						
8/14/2012	Inspection conducted; four violations; IR signed 10/26/2012; DMR received by 10/26/2012					X		
10/24/2012	NOPH of Planning Commission for amended RP; DMR received 10/29/2012	X						
5/8/2013	Notice of Hearing before Planning Commission to approve or deny proposed modification to CUP#4874-2 and an amended RP #RP12-0001; DMR received 5/13/2013; Hearing rescheduled to 6/27/2013	X						
6/4/2013	Lead Agency transmitted Notice of Hearing before Planning Commission on proposed expansion	X	X					
6/27/2013	Planning Commission hearing; Approved modification of the CUP and approved amendment to the RP	X	X					
8/14/2013	Inspection conducted; no violations; IR signed 2/10/2014; DMR received on 2/10/2014					X		
10/1/2013	FACE document; total cost to reclaim estimated to be \$380,147.00			X				
10/22/2013	Board of Supervisors certified Final Environmental Impact Report; granted modification to CUP; approved an RPA; and	X	X					

A13 — GRIMES ROCK (56-0032) MINE CHRONOLOGY

DATE	ADMINISTRATIVE ACTIVITY	RP/RPA	Permit	FACE	FAM	IR	IN or NOCI	Enforcement
	authorized expansion of the mining facility and continuation of surface mining activities until 10/22/2040							
1/1/2014	FACE document; total cost to reclaim estimated to be \$694,896.00			X				
4/25/2014	Ventura County requested Operator to increase FAM				X			
5/13/2014	FAM amended to a total aggregate amount of \$768,552.00				X			
8/5/2014	Lead Agency responded to DMR comments	X						
8/12/2014	Inspection conducted; no violations; IR signed 3/19/2015					X		
9/3/2014	Lead Agency transmitted letter with Determination on Permit Adjustment (adjustment was to time implementation of requirements in the conditions)	X	X					
11/1/2014	FACE document; total cost to reclaim estimated to be \$770,090.00			X				
5/1/2015	FACE document; total cost to reclaim estimated to be \$842,107.00; DMR received on 7/8/2016			X				
7/29/2015	FAM amended to a total aggregate amount of \$842,107.00				X			
9/25/2015	Inspection conducted; no violations; IR signed 9/25/2015					X		
6/1/2016	FACE document; total cost to reclaim estimated to be \$808,633.00			X				
10/12/2016	Inspection conducted; no violations; IR signed 3/7/2017; DMR received 6/26/2017					X		

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ATTACHMENT B

Resources Available to Lead Agencies (as of September 2019)

LEAD AGENCY REVIEW AND ASSISTANCE (LARA) PROGRAM WEB FILES

- California Department of Conservation's Division of Mine Reclamation webpage:
<https://www.conservation.ca.gov/dmr>
- Information on the LARA Program, including final LARA reports:
<https://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/LeadAgencyReview.aspx>
- Access to the LARA Program Review Process Guidelines:
<https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/LARA%20Guidelines.pdf>
- California Department of Conservation State Mining and Geology Board Financial Assurances guidelines:
https://www.conservation.ca.gov/smgb/Guidelines/Documents/Financial-Assurances/FA_GUIDELINES.pdf
and
<http://www.conservation.ca.gov/smgb/Guidelines/Pages/Appendices.aspx>
- Documents for the mining operation within the City can be requested by emailing DMR-Submittals@conservation.ca.gov.

Resources Available to Lead Agencies (continued)

SURFACE MINING AND RECLAMATION ACT OF 1975 (SMARA)

Statute

- California Public Resources Code and California Code of Regulations for SMARA: <https://www.conservation.ca.gov/index/Documents/DMR-SR-1%20Web%20Copy.pdf>

Rulemaking Updates

- To be alerted to proposed regulatory changes to SMARA, sign up through the Department's website at: <https://www.conservation.ca.gov/smgb/Pages/Rulemaking/Overview.aspx>

SMARA Inspection Workshops

- The Division's SMARA Inspector Training Workshops and the Inspection Guidance Document, as required under PRC Section 2774(e): <https://www.conservation.ca.gov/dmr>

Division Points of Contact

- The Division has staff available to assist lead agencies in the Reporting Unit, Engineering Geology Unit, and Environmental Services Unit. An organization chart can be found on the DMR website at: <https://www.conservation.ca.gov/dmr>

Reclamation Plan Review and Approval

- Additional resources can be found on the Division's website, including:
 - Checklist of Reclamation Plan Requirements
The checklist is organized by topic (i.e., geologic requirements, revegetation requirements, etc.)
 - New online Annual Reporting System (including online Annual Report fee payment)
 - Annual Report form and instructions
 - Financial Assurance forms and instructions (FACE and FAMs)
 - Inspection Form and Notice of Completion of Inspection Form

ATTACHMENT C

Lead Agency Review and Assistance (LARA) Program Recent Changes in Legislation (as of July 2018)

Senate Bill No. 854, Summary: *Published on June 27, 2018*

- Establishes electric submittal of official copies of mining operational documents including reclamation plans, reclamation plan amendments, interim management plans, finance assurance documents, notices of violation, orders to comply, stipulated orders, orders imposing an administrative penalty, notices of completion of inspection, permits, and vested rights determination, and instructs DMR to post these documents on their website

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB854

Senate Bill No. 809, Summary: *Published on October 5, 2017*

- Transfers various duties assigned to the Director of Conservation to the Supervisor of Mine Reclamation, as specified, and transfers various duties assigned to the Department of Conservation to the Division of Mine Reclamation (DMR), as specified

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB809

Senate Bill No. 209, Summary: *Published April 18, 2016*

- Establishes the DMR within the Department of Conservation under the direction of the Supervisor of Mine Reclamation
- Raises the amount of the annual reporting fee to \$10,000 per mining operation and raises the maximum amount of the total revenue generated from the reporting fee to \$8,000,000
- Provides for an operator (after the State Mining and Geology Board (SMGB) has adopted specified regulation) to include a corporate financial test in a Financial Assurance Mechanism

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB209

Assembly Bill No. 1142, Summary: *Published on April 18, 2016*

- Requires reclamation plans filed by an operator of a mining operation with a lead agency include specified reclamation maps; requires a lead agency when

submitting a proposed reclamation plan to DMR to incorporate specified items of information and documents in the submitted reclamation plan within certain timeframes; and requires certain actions be taken by DMR upon receiving a proposed reclamation plan

- Requires operator to replace an approved financial assurance only if the financial assurance cost estimate (FACE) identifies a need to increase the amount of the financial assurance; and requires a lead agency to submit the FACE for a surface mining operation to DMR for review as specified and requires DMR to take certain actions upon receiving a FACE
- Requires a lead agency or the SMGB to conduct a specified public hearing if the lead agency has evidence that an operator maybe financially incapable of performing reclamation in accordance with its approved reclamation plan or that the operator has abandoned a surface mining operation without completing reclamation and to take appropriate actions to forfeit the operator's financial assurances
- Authorizes a lead agency employee conducting mine inspections to have met specified criteria, including having completed a mine inspection workshop (by January 1, 2020)
- Imposes new requirements on the lead agency related to the timing of mine inspections
- Authorizes DMR to establish a training program for lead agency employees who inspect surface mining operations no later than December 31, 2017
- Lays out process for enforcement actions

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1142

ATTACHMENT D

LARA Guidelines (August 2016)⁴

Background

In 2006, the Department of Conservation's (Department) Office of Mine Reclamation (OMR)⁵ established the lead agency review program. A "Lead Agency Review Team" (LART) was formed to review the program and audit each lead agency's administration of the Surface Mining and Reclamation Act (SMARA) on a rolling 6-year basis. LART began auditing SMARA lead agencies in 2007, and continued the program until mid-2012, when the program was suspended, pending reassessment. From 2007 to 2012, LART audited forty-seven (47) SMARA lead agencies. The lead agency review program was revised and has evolved into the Lead Agency Review and Assistance program (LARA).

The LARA program is now designed as both a review of each lead agency's SMARA program, and an extension of the DMR's education and outreach efforts. In December 2015 and in January 2016, the DMR held a series of LARA workshops in four cities; Redding, San Luis Obispo, Santa Ana, and Sacramento. The workshops provided an overview of the proposed LARA Program, and encouraged lead agency and stakeholder program feedback. Comments received during the workshops strengthened the program, and generated a list of frequently asked questions that DMR posted on its public domain website.⁶ The objective of this document is to introduce the LARA Program, outline the purpose, and show how DMR will conduct the lead agency review.

The revised LARA Program provides DMR with a consistent approach for reviewing lead agency implementation of SMARA through education and assistance. By conducting focused reviews and providing assistance to lead agencies, DMR intends to help improve local lead agency performance. The purpose of LARA is not to initiate individual enforcement actions against individual mining operations or recommend referrals to the State Mining and Geology Board (SMGB). However, during the course of LARA engagement, if conditions observed at a mine site present an imminent and substantial endangerment to public health or the environment, appropriate enforcement actions may be pursued by DMR after conferring with the affected lead agency. The key goals and focus of LARA are to:

- Establish a complete and accurate administrative record for each mine for both the lead agency and DMR.

⁴ See <https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/LARA20Guidelines-%20ADA%20Compliant.pdf> for any updates to these Guidelines

⁵ The OMR, established in 1991, was replaced by the Division of Mine Reclamation (DMR), effective January 1, 2017, following significant revisions to the SMARA. **The acronym DMR is used throughout this Attachment for purposes of consistency.**

⁶ See <https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/LARA-%20Frequently%20Asked%20Questions-ADA%20Compliant.pdf>

- Improve quality/adequacy of reclamation plans and associated financial assurances to reduce liability to lead agencies, the state, the public, and the environment.
- Provide one-on-one training for inspectors.
- Concentrate on lead agency performance based on a representative sample of mines.
- Hold an exit conference to discuss lead agency input and responses to initial findings prior to developing a final report.
- Issue Final Reports, noting areas of successful SMARA implementation and where the lead agency has potential for improvement.

Previously, under the discontinued LART program, each lead agency was to be reviewed every six years. The LART program set priorities for lead agency auditing based on a risk analysis that included several selected reporting factors from the DMR electronic database and mine files including; (1) reclamation plans, 2) financial assurances, (3) inspection reports (MRRC-1), and (4) mine operation annual reports (MRRC-2).

Inspections of individual mine sites followed if any of the following were observed:

- Violations noted on Inspection Reports
- No current Inspection Report available
- Inspection time doesn't match the size or complexity of the mine, for example, a thirty-minute inspection reported on a 150 acre rock quarry with multiple benches having adverse jointing and fracture patterns
- Financial Assurance Cost Estimate (FACE) out-of-date and/or appears to be inadequate to cover the cost of reclamation
- Financial Assurance Mechanism (FAM) less than FACE amount, and/or
- Operation's Annual Report not submitted

Under the LART program, inspections typically included up to half the mines in a lead agency's jurisdiction and most, if not all, mines from smaller jurisdictions. The LART also added mines to its field review if there were compliance issues or other violations were discovered during audit review.

Establishing the Lead Agency Review Order under the LARA Process

The lead agency review order under the LARA process is determined from examination of DMR's lead agency mine files for each of three documents: (1) the surface mining inspection report (form MRRC-1), (2) a financial assurance cost estimate, and (3) a financial assurance mechanism, for all its unreclaimed mines during the year 2015. One "point" is given per document found in the mine files, for each unreclaimed mine.

Then, for each lead agency, add-up the total number of documents found. The review order number is an expression of the percentage of the total possible number of documents DMR has, for each unreclaimed mine.

$$\text{Review Order Number} = \left(\frac{\# \text{ of possible documents} - \# \text{ of missing documents}}{\# \text{ possible documents}} \right) 100$$

The review order number is ranked from lowest to highest, with the LARA process commencing with the lead agency having the lowest score.

Lead agencies previously reviewed under the former LART program are exempt from the first round of reviews under the new LARA Program until all lead agency reviews are completed. Then the cycle repeats after about six years.

The following sample illustration displays a score calculated in a lead agency jurisdiction with ten unreclaimed mines. In this case, there are thirty possible documents in total for submittal to DMR (three documents multiplied by 10 mines equal thirty possible documents). If, for example, a lead agency submitted twenty-six of the possible thirty documents (4 documents missing) for its mines, divided by the total possible documents (thirty), times 100, equals a review order number of 86.67 for that lead agency.

$$\text{Review Order Number} = \left(\frac{30 - 40}{30} \right) 100$$

Lead Agency Review and Assistance Program Steps

Phase I - Entrance Conference

An engagement letter that describes the LARA Program process will be sent to the lead agency executive responsible for administering their local SMARA program (typically the county planning director). The lead agency will be asked to assign personnel to work with DMR to act as the primary contact within the lead agency for all purposes of the review. An entrance conference will then be held to review the purpose of the LARA Program, deliver expectations, and answer questions that the lead agency may have. DMR will also designate a Senior Geologist to be the main point of contact and may include the Geologist and Reporting Analyst normally assigned to the lead agency.

Phase II - Lead Agency Review – File Comparison

During Phase II, DMR will perform a detailed review of DMR's mine files within the lead agency's jurisdiction. This is intended to ensure that DMR's files and the lead agency's files contain up-to-date documents, as well as relevant historical information for each mining operation. This effort will also ensure proper document exchange and verify integrity of both DMR's and the lead agency's mine files. The documents that will be reviewed include:

- Environmental Impact Reports
- Approved Reclamation Plans, amendments, associated comments, and response documentation
- Interim Management Plans, associated comment, and response documentation
- Permits and conditions of approval
- Lead Agency annual Inspection Reports and Inspection Notices
- Mine operator Annual Reports
- Financial Assurance Mechanisms
- Financial Assurance Cost Estimates, associated comment, and response documentation

DMR will provide the lead agency with a list of the information and documents needed to complete the review. To facilitate this data comparison process, DMR has created a File Transfer Protocol (FTP) site where it will post copies of the operative documents from its mine files for lead agencies to view. If documents are missing from DMR's mine file, lead agencies can add documents through a Box.com exchange, via email, or other media. Once the mine file comparison is complete, and the administrative record is established, DMR will begin reviewing documents.

Phase III - SMARA Lead Agency Performance Review

The review will focus on the lead agency's performance during the previous 5 years. The performance categories include SMARA administration, reporting, and inspections as described below.

1. **Administration** – Review DMR mine files for the past 5 years of reporting to assess how the lead agency administers SMARA:
 - A. Approval of reclamation plans, financial assurances, and use permits, or vested rights determinations as required by SMARA (PRC §§ 2770(a), 2772.7, 2773.1, 2774, 2774(e)).
 - i. Document lead agency's internal procedures for processing reclamation plan applications and amendments leading up to lead agency certification of compliance prior to submittal to DMR.
 - ii. Proof of reclamation plans, and reclamation plan amendments sent to DMR for review and comment prior to approval by the lead agency.
 - iii. Response to DMR's Reclamation Plan review comments.
 - iv. A thirty-day notice of public hearings held prior to the approval of reclamation plans and amendments.
 - v. Conditional use permits or vested rights determinations, if applicable.
 - vi. Recording of a "Notice of Reclamation Plan Approval" with the county recorder upon approval of post 2006 reclamation plans.

- B. Prepared annual Financial Assurance Cost Estimates per SMARA (PRC 2770(a), 2773.1) (CCR 3805, 3805.5).
 - i. Document lead agency's internal procedures for reviewing and approving annual financial assurance cost estimates leading up to lead agency determination of adequacy prior to submittal to DMR.
 - ii. Financial assurance cost estimates submitted annually to DMR for review and comment prior to approval by the lead agency (CCR 3804(c)).
 - iii. The lead agency response to DMR's financial assurance cost estimate review comments.
 - iv. Review a select number of financial assurance cost estimates to verify accuracy, and suggest improvements, if needed (2773.1(a)(3)).

 - C. Maintain adequate Financial Assurance Mechanisms
 - i. Financial Assurances Mechanisms are equal to or greater than the current financial assurance cost estimate (PRC 2773.1(a) (3) and CCR 3804(a)).
 - ii. Financial Assurance Mechanisms allowing release to the operator only when authorized by the lead agency and DMR as signees (PRC Section 2773.1(a) (1), CCR Sections 3803, and 3806 through 3806.5).
 - iii. Financial Assurance Mechanisms containing provisions to allow for the forfeiture and/or use of financial assurances to conduct or complete reclamation, or transfer to new ownership, per SMARA (PRC Section 2773.1 (b)-(d)).
 - iv. Financial Assurance Mechanisms are properly released (CCR Section 3805.5).
- 2. Reporting** – LARA Program staff will review mine files within a lead agency's jurisdiction to verify the lead agency fulfillment of the following statutory reporting requirements:
- A. Annual Reports (ARs)
 - i. The lead agency has taken appropriate enforcement action to ensure timely submittal of mine operator annual reports and payment of fees (2774.1(f)(1)).

 - B. Inspection Reports
 - i. Inspections are conducted annually. (PRC 2774, CCR 3504.5).
 - ii. Inspection reports are complete and accurate.

 - C. Inspection Notices
 - i. Inspection notices clearly specify which aspects of the surface mining operations, if any, are inconsistent with this chapter, and a copy of the completed inspection form to DMR within 30 days (90 days as of January 1, 2017) of the inspection date. (PRC 2774(b)).

DMR will work closely with lead agency staff to ensure all parties have the same documents and that the records are accurate and up to date. The performance review findings will be discussed in broad terms, not identifying issues on a

document-by-document or mine-by-mine basis, but rather noting areas where the lead agency has potential for improvement of local SMARA administration.

- 3. Inspections** – DMR staff will accompany lead agencies on inspections of a representative number of mines in its jurisdiction to assess the inspector's performance and provide one-on-one training and guidance. Selection of mines will be based on the number of, and the nature or type of, mining operations existing in the jurisdiction of the lead agency. The field review of lead agency inspections will be approximately 1 to 5 days.

Prior to mine inspections, DMR will meet with the lead agency SMARA inspector to review reclamation plan requirements and previous inspection reports for each site. This will provide the lead agency inspector and DMR the opportunity to discuss the reclamation requirements for each mine.

During inspections, DMR staff will accompany the lead agency inspector to observe how:

- Mines are being inspected relative to operative reclamation plan requirements.
- Violations are being identified when observed. (i.e. depth, area, slope aspects, topsoil salvage, revegetation, phasing/concurrent reclamation, offsite discharge, and erosion control).
- Whether the entire mine site was being inspected.
- The appropriate SMARA status was noted.
- Active and/or reclaimed disturbance is accurately documented.

Following field reviews of the lead agency inspectors, LARA staff will compare mine site conditions observed by DMR to those reported by the lead agency inspector. LARA staff will identify areas where the lead agency could improve the quality and performance of their inspections, thereby assisting the lead agency in better administering SMARA. Comprehensive and accurate inspection reports are critical for developing appropriate cost estimates and securing adequate financial assurances for reclaiming the site to conditions outlined in the approved reclamation plan.

Phase IV – Initial Report and Exit Conference

Initial Report – DMR staff will prepare and provide the lead agency with an initial report outlining its findings. The lead agency will have up to 90 days to request an exit conference and provide a written response to the findings.

Exit Conference – At the exit conference, the lead agency may provide additional documents and information to address the findings in the initial report.

Phase V - Final Report

Following the exit conference, DMR will prepare a final report that includes a summarization of lead agency responses. The final report will highlight mines that have been reclaimed and adaptable to a beneficial secondary end use and list areas of SMARA administration in which the lead agency may improve their processes.

Monitoring following LARA review

DMR anticipates that lead agencies, who have primary responsibility for the enforcement of SMARA, will take appropriate enforcement actions on potential violations and non-compliance noted during the LARA process. DMR does not expect that all violations will be resolved during the LARA process, but that appropriate enforcement will be initiated, and completed to achieve compliance. DMR is aware that achieving compliance with all issues can be challenging. DMR does not anticipate reviewing exactly how a lead agency may choose to address noted deficiencies following the completion of a LARA review. The State Mining & Geology Board has a standing request for copies of final LARA reports.

Positive Outcome and Conclusion

DMR anticipates the revised LARA Program will improve DMR/lead agency communication and have a positive effect on SMARA implementation/administration statewide. The LARA Program should:

- Ensure that a complete and accurate administrative record exists for each active mine within every lead agency jurisdiction
- Provide lead agencies with better assistance with SMARA administration based upon the unique challenges facing the particular lead agency
- Forge stronger working relationships between lead agencies and DMR

Throughout the LARA process, DMR intends to provide education and assistance to lead agencies that encourages effective local administration of SMARA. The LARA process ensures that DMR mine files contain the same documents as the lead agency, which is essential for establishing a complete and accurate administrative record. DMR will provide lead agencies with on-site inspector training consistent with the new SMARA statutory requirements set forth in PRC 2774(e) that take effect in 2017, and beyond.

The goal of the LARA Program is to help ensure effective local administration of SMARA through vetted reclamation plans, comprehensive annual mine inspections, and rigorously reviewed cost estimates. The LARA Program envisions uniform application of SMARA throughout the state, bolstering confidence in the citizens of California that mined lands will be reclaimed to a beneficial end use and that detrimental aspects of mining are minimized or eliminated.

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ATTACHMENT E

Ventura County Staff Comments on Draft Final Report and Division of Mine Reclamation Staff Responses

E1 — Ventura County Staff Comments on Draft Final Report

E2 — Division of Mine Reclamation Staff Responses to Ventura County Staff
Letter

ATTACHMENT E1

Ventura County Staff Comments on Draft Final Report

RESOURCE MANAGEMENT AGENCY
county of ventura

PLANNING DIVISION
 Dave Ward, AICP
 Director

October 23, 2019

Pat Perez, Supervisor
 California Department of Conservation
 Division of Mine Reclamation
 801 K Street, MS 09-06
 Sacramento CA 95814

via email to DMR@conservation.ca.gov

Re: Lead Agency Review and Assistance Report

Dear Mr. Perez:

The Ventura County Resource Management Agency, Planning Division (County), recently received your detailed Draft Final Lead Agency Review and Assistance (LARA) Report for the 2012-2016 review period. We appreciated working with your staff in the Division of Mine Reclamation (DMR) over the past 18 months to review and compile available records and documents from the given review period. However, as conveyed in our phone call on October 16th, we are disheartened to find that DMR staff was excessively critical in the report's conclusions and findings.

Our County team takes pride in its effective administration of the Surface Mining and Reclamation Act (SMARA) and continually strives to enhance and improve the SMARA compliance program. The nine recommendations outlined in the LARA report have been employed with efficacy for many years. Therefore, it is disconcerting that the report would document several inadequacies for the 2012-2016 review period. For example, Finding #1 noted a non-compliance issue because the County supposedly took too long to act upon a permit modification determination for two mines and later revoked the permit for one of those mines (Best Rock). This finding appears to find fault with the County's deliberative, discretionary process and final decisive action related to a non-compliant operator. It is not clear how this finding would conflict with SMARA provisions. Moreover, Finding #2a criticizes the County for preparing a Reclamation Plan for the abandoned Best Rock Mine. Again, it is not clear how these findings would conflict with SMARA. As asked during our October 16th phone call, with the Best Rock operator gone and assurance monies available, what other action should have been taken? DMR has not offered an alternative action or best practice to follow. It seems the County should be commended for its accountability and stewardship in the Best Rock case.



800 South Victoria Avenue, L# 1740, Ventura, CA 93009
 Phone (805) 654-2481 • Fax (805) 654-2509 • vcrma.org/divisions/planning



Letter to DMR
October 23, 2019
Page 2 of 2

Additional concerns about the report's lack of clarity and findings were noted in our recent phone call. As you know, we are currently experiencing temporary staffing shortages and do not have the resources to further supplement the report and refute the findings at this time. Based on correspondence in our records, the DMR had intended to provide the Draft LARA report in 2017 but was delayed by staffing shortages. Thus, it is notable that had the LARA process concluded two years ago as planned, County staff with direct involvement in the mining program during the given review period would have still been employed at the County and able to fully respond knowledgeably to the conclusions of the report. Instead, the review was conducted through informal emails between DMR and County staff, which appears to have added confusion to this formal review. At this time, we prefer to focus on the current review period, for which we have adopted a more formal method of tracking and exchanging information. We believe we meet or exceed all SMARA compliance requirements in the current review period. We recently received feedback from DMR staff on the County's 2019 submittals of financial assurance cost estimates. We appreciate the immediate responses and look forward to working collaboratively with your team to maintain transparency and avoid any surprises in future program evaluations.

We understand that we are one of only three jurisdictions to have completed the LARA process thus far. Perhaps the process and/or format will evolve as more agencies receive their LARA reviews and DMR solicits feedback on the program. It is the County's goal to not only meet all requirements under the Public Resources Code, but also to be a model for exemplary best practices in the State.

If you have any questions or additional comments, please contact me via email at dave.ward@ventura.org or by telephone at (805) 654-2481. You may also contact Mindy Fogg, Planning Manager, via email at mindy.fogg@ventura.org or by telephone at 805-654-5192.

Sincerely,



Dave Ward, AICP
Planning Director

cc: Carol Atkins, Environmental Services Unit Supervisor,
via email at: Carol.Atkins@conservation.ca.org
Kim Prillhart, County Resource Management Agency Director
Mindy Fogg, County Planning Manager

ATTACHMENT E2

Division of Mine Reclamation Staff Responses to Ventura County Staff Letter

(Numbers correspond to lined text in Ventura County letter.)

- 1. *The nine recommendations outlined in the LARA report have been employed with efficacy for many years. Therefore, it is disconcerting that the report would document several inadequacies for the 2012-2016 review period.***

The Final Report states that the Lead Agency Review and Assistance (LARA) Program review began in 2017 and covers the 5-year period between 2012-2016. Division staff looks forward to reviewing the County's implementation of the recommendations identified in this Final Report during a future LARA Program review.

- 2. *Finding #1 noted a non-compliance issue because the County supposedly took too long to act upon a permit modification determination for two mines and later revoked the permit for one of those mines (Best Rock). This finding appears to find fault with the County's deliberative, discretionary process and final decisive action related to a non-compliant operator. It is not clear how this finding would conflict with SMARA provisions.***

As shown in Attachments A2 and A3, the chronologies for Best Rock/Red Rock (56-0009) and Best Rock (56-0010) mines: (1) 18 months prior to July 21, 2000, permit modifications were submitted to the County; (2) the County revoked the permit for 56-0010 on December 5, 2012; and (3) the County revoked the permit for 56-0009 on June 20, 2013. Division staff concur with the County that final decisive actions related to a non-compliant operator were taken. Finding #1 states that the actions took approximately 14 years, and Recommendation #1 notes correctly that pursuant to Section 2770 of the Surface Mining and Reclamation Act of 1975 (SMARA) "a person shall not conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation pursuant to this article."

- 3. *Finding #2a criticizes the County for preparing a Reclamation Plan for the abandoned Best Rock Mine. Again, it is not clear how these findings would conflict with SMARA. As asked during our October 16th phone call, with the Best Rock operator gone and assurance monies available, what other action should have been taken? DMR has not offered an alternative action or best practice to follow. It seems the County should be commended for its accountability and stewardship in the Best Rock case.***

During the October 16, 2019 phone call, DMR emphasized that the best practice to follow is to follow the law (i.e., implement SMARA requirements); additionally, DMR

spoke to the importance of the annual inspection and using this activity to guide when amendments to the reclamation plan are needed. This response is in keeping with Recommendation 2a. To be more complete, DMR is modifying Recommendation 2a to state:

To complement and support timely reclamation plan processing, the County must cause inspections to occur annually and use that information to review and amend reclamation plans when it appears that surface mining operations may no longer be reclaimed in accordance with the approved reclamation plan as required by Title 14, California Code of Regulations Section 3502(e). The best practice for a lead agency to follow when a mine is abandoned is provided for in SMARA Section 2773.1(b)(2), which includes requiring forfeiture of the financial assurance mechanisms and using the proceeds from the forfeited financial assurance mechanisms to conduct and complete reclamation in accordance with the approved reclamation plan.

- 4. At this time, we prefer to focus on the current review period, for which we have adopted a more formal method of tracking and exchanging information. We believe we meet or exceed all SMARA compliance requirements in the current review period. We recently received feedback from DMR staff on the County's 2019 submittals of financial assurance cost estimates. We appreciate the immediate responses and look forward to working collaboratively with your team to maintain transparency and avoid any surprises in future program evaluations.**

Division staff shares the same goals and, as noted above, looks forward to reviewing the County's implementation of the nine recommendations identified in this Final Report during a future LARA Program Review.

- 5. We understand that we are one of only three jurisdictions to have completed the LARA process thus far. Perhaps the process and/or format will evolve as more agencies receive their LARA reviews and DMR solicits feedback on the program. It is the County's goal to not only meet all requirements under the Public Resources Code, but also to be a model for exemplary best practices in the State.**

As stated in the Final Report, the goal of the LARA Program is to ensure effective local administration of SMARA through vetted reclamation plans, comprehensive annual mine inspections, and rigorously reviewed financial assurance cost estimates, in addition to uniform application of mining laws and regulations throughout California. The Division also (1) annually offers workshops at locations throughout the State (the next workshop is scheduled for November 13-14 in Indio, CA) that include training and guidance elements to assist and improve the quality of inspections performed by lead agency inspectors, and (2) has previously held lead agency SMARA workshops, including one held in Ventura County in 2013.

The areas covered in the Final Report for Ventura County are among the areas that Division staff will review during all lead agency assistance reviews. The preliminary order of SMARA lead agencies undergoing reviews pursuant to the LARA Program was determined with stakeholder input and is available on the Internet at

<https://www.conservation.ca.gov/dmr/SMARA%20Mines/Documents/Lead%20Agency%20Review%20Order-ADA%20Compliant.pdf>.

The lead agency review order for the LARA process is derived from examination of DMR's mine files for each of three documents for all its unreclaimed mines during the year 2015. The documents included are: (1) the surface mining inspection report (form MRRC-1); (2) the financial assurance cost estimate; and (3) the financial assurance mechanism. The review order number is an expression of the percentage of the total possible number of documents DMR has, for each unreclaimed mine. The review order number is ranked from lowest to highest, with the LARA process commencing with the lead agency having the lowest review order number. Lead agencies previously reviewed under the old Lead Agency Review Team (LART) program are exempt from the first round of reviews under the new LARA Program, until all lead agency reviews are completed. Then the cycle will begin anew after about six years.

ATTACHMENT F

Lead Agency Review and Assistance Program Contacts (as of October 2019)

DIVISION OF MINE RECLAMATION

Main Phone Number: (916) 323-9198

Carol E. Atkins
Supervisor, Environmental Services Unit
(916) 445-6175
Carol.Atkins@conservation.ca.gov

Cy R. Oggins
Manager, Remediation and Reclamation Unit
(916) 322-2229
Cy.Oggins@conservation.ca.gov

COUNTY OF VENTURA

Dave Ward, AICP
Planning Director
County of Ventura, Planning Division
805-654-2481
Dave.Ward@ventura.org

Mindy Fogg
Planning Manager
County of Ventura, Planning Division
805-654-5192
Mindy.Fogg@ventura.org

Kimberly Prillhart
Director, Resource Management Agency
(805) 654-2661
Kim.Prillhart@ventura.org