

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2012-022

**A resolution amending the Reclamation Plan for Bear Valley  
Quarry; California Mine ID# 91-22-0005; Amended Reclamation  
Plan No. 2012-156**

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WHEREAS on March 26, 1981 the Planning Commission adopted Resolution No. 81-11 approving revised Mining Use Permit No. 80-3. On June 5, 1998 the Planning Commission adopted Resolution No. 98-2, which upheld a Planning Director order for all mining operations at the site to cease; and

WHEREAS on April 7, 2000 the Planning Commission adopted Resolution No. 2000-003 revoking Mining Permit No. 80-3 and requiring the mine site be immediately reclaimed; and

WHEREAS on April 8, 2002 a letter was sent to the operator of California Mine ID# 91-22-0005 stating that reclamation had not been completed and that the forfeiture process for the financial assurances to reclaim the mine would commence; and

WHEREAS on June 21, 2002 the Planning Commission, after a required public hearing, adopted Resolution No. 2002-015, which found that "...the operator of the subject mine has abandoned the mine without completing reclamation and Mariposa County asserts its authority under Public Resources Code Section 2773.1(b) to ensure that the mine site is adequately reclaimed"; and

WHEREAS following adoption of Resolution No. 2002-015 on June 21, 2002, which found that the mine had been abandoned, the mine operator was sent a letter, with the resolution attached, through certified mail notifying him of the action; and

WHEREAS a memo from Mariposa County Counsel to Mariposa Planning dated December 16, 2002 stated that he had reviewed Planning's correspondence together with the Public Resources Code and that he agreed that Planning had taken all appropriate actions pursuant to the Public Resource Code and that the Planning Department could move forward with forfeiture of the financial assurances posted by Mr. Bevan; and

WHEREAS subsequent to these actions Mariposa Planning received inquiries from various parties interested in amending the mining permit and reclamation plan and continuing mining at the site. None of these parties, however, pursued continued mining at the site; and

WHEREAS in the interim the property owner cleaned up a significant junkyard on the site; The processing plant has also been removed and only the cement slab remains; and

WHEREAS an amendment incorporating property mined outside of the permitted mining area into the Reclamation Plan area for California Mine ID# 91-22-0005, Bear Valley Quarry, is necessary in order for this area to be reclaimed; and

WHEREAS this amended reclamation plan, incorporating the illegally mined area into the Reclamation Plan area boundaries, is known as Amended Reclamation Plan No. 2012-156; and

WHEREAS amending the reclamation plan and completing site reclamation, including that property located in the original permitted 20-acre area as shown in Exhibit 1, will satisfy Item A in Mariposa County's Action Plan submitted to the State Mining and Geology Board to correct deficiencies in the County's mining program as described by the Board; and

WHEREAS a duly noticed public hearing on Amended Reclamation Plan 2012-156 was scheduled for the 21<sup>st</sup> day of December, 2012; and

WHEREAS a staff report packet was prepared for the Planning Commission's consideration; and

WHEREAS a public hearing was conducted on the noticed date. The Planning Commission considered all information available in the record, including the staff report packet, comments from the property owner and comments from concerned neighbors and citizens; and

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby amend the boundaries of the Reclamation Plan for California Mine ID# 91-22-0005 to incorporate that roughly 30-acre area mined outside of the originally permitted area as shown in Exhibit 1 and primarily located in NE ¼ of Section 4, NW ¼ of Section 3, T. 5S, R. 17E, MDB&M.

BE IT THEREFORE FURTHER RESOLVED THAT areas outside of the original boundaries of the Bear Valley Quarry will be made safe and revegetated with any remaining funds, considering the following objectives:

1. Power/telephone lines and poles should be shut off and removed.
2. Rock/rubble remaining where power/telephone lines should be graded to match the 2:1 slope.
3. Any areas that have trash or debris should be cleaned of debris and properly disposed of. No debris waste is to be buried on site.
4. Topsoil should be redistributed and all disturbed areas planted with a mixture of pure live seed suitable for the end use (agricultural/grazing). All topsoil stockpiles should be identified and utilized to cover all barren spaces.
5. The trailer would only be removed upon concurrence of the current land owner.
6. The northern slate slope should be fenced at a minimum, to protect the public from any fall hazards. (Cross section B-B, sheet 5 of 6.)
7. The other pit should also be backfilled to make it safe for livestock and able to sustain native vegetation.
8. If there are funds available to purchase suitable seeds, a recommendation can be obtained from the Department of Conservation reclamation unit biologists or from the Mariposa County Resource Conservation District (for both seed and distribution rate).

9. All compacted roadways no longer needed by the property owner for maintenance of the ranch, should be ripped and planted with a suitable seed mixture.
10. If there are funds available, conduct land form grading to make previously mined slopes and tailings piles more naturally appearing.

BE IT FURTHER RESOLVED THAT the Mariposa County Planning Commission does hereby approve Amended Reclamation Plan No. 2012-156 based upon the findings set forth in Exhibit 2.

BE IT THEREFORE FINALLY RESOLVED THAT this project is categorically exempt from the provisions of CEQA (15308 Class 8, CEQA Guidelines) and Planning staff is directed to file a Notice of Exemption with the County Clerk.

ON MOTION BY Commissioner Francisco, seconded by Commissioner Rudzik; this resolution is duly passed and adopted this 21<sup>st</sup> day of December, 2012 by the following vote:

AYES:            Francisco, Rudzik, Tucker, Marsden

NOES:            None

EXCUSED:      Ross

ABSTAIN:      None



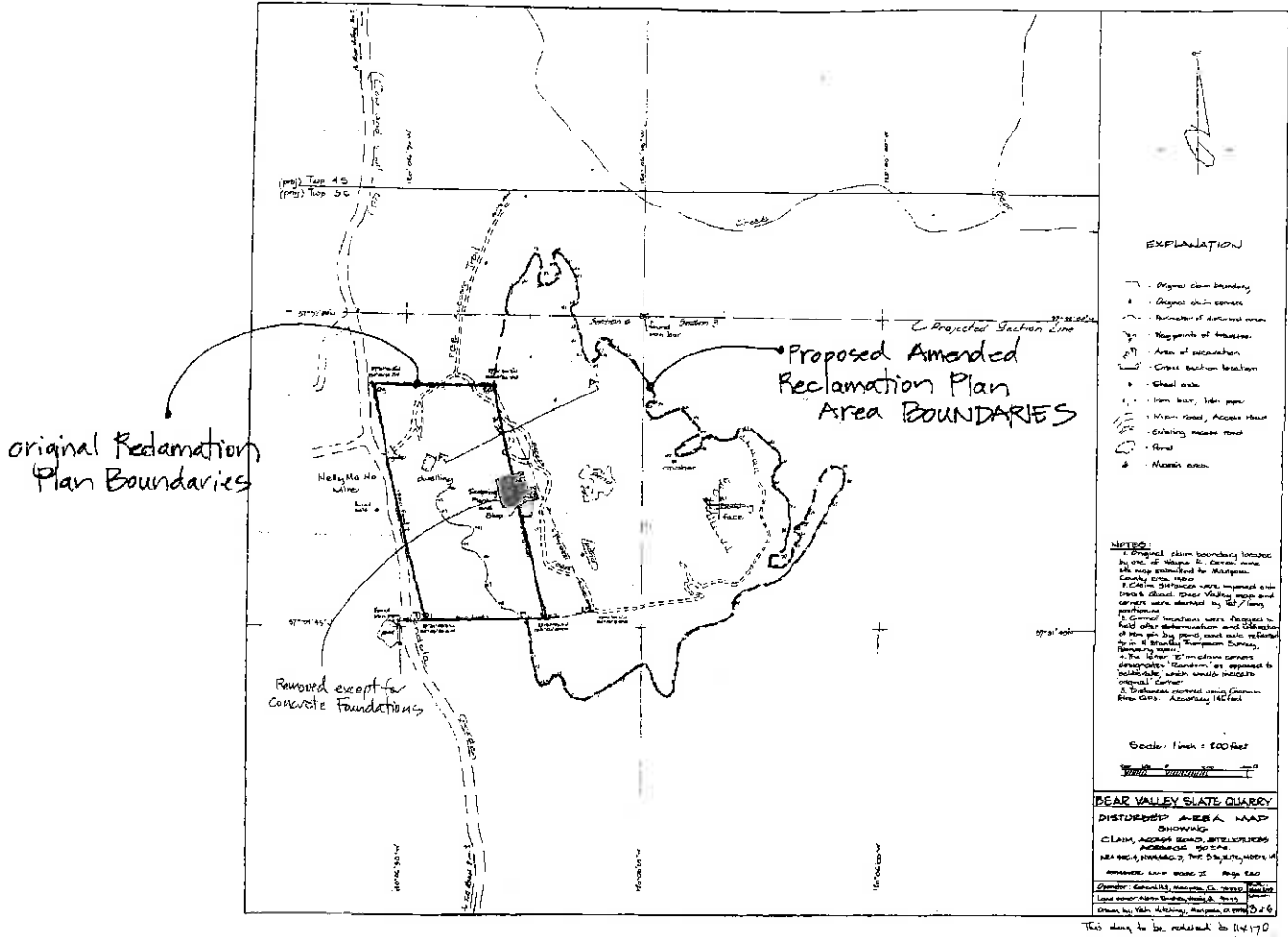
Les Marsden, Chair  
Mariposa County Planning Commission

Attest:



July Mueller  
Secretary to the Mariposa County Planning Commission

**Exhibit 1**  
 (not to scale)



This map to be retained to 1/4/170

## Exhibit 2

### FINDINGS for AMENDED RECLAMATION PLAN No. 2012-156

1. The sole intent and purpose of the Amended Reclamation Plan is to allow reclamation of the entire site so the mine can be closed out. The process and scope for the project has been discussed with the Department of Conservation staff, who conducted a site inspection of the mine property.
2. It is in the public interest to process an Amended Reclamation Plan for the intent and purpose of completing reclamation and closing out the mine. The mine site will be made safe for humans, livestock and wildlife; all unnecessary infrastructure will be disabled and removed; recontouring of slopes will occur as funds are available; topsoil will be replaced; and exposed surfaces will be seeded as funds are available. As a result of the project, the land which was previously a part of the mine site will be able to be used for agricultural purposes.
3. The reclamation work will be accomplished through a construction contract coordinated by the Public Works Department. The contract will require that a California state licensed contractor be responsible for the work. All work will be done pursuant to established and applicable requirements including, but not limited to:
  - A grading permit, with work to comply with all grading standards including erosion and sediment control requirements.
  - Contact with the Regional Water Quality Control Board to determine if a National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated with Construction Activity is required.