



TULARE COUNTY RESOURCE MANAGEMENT AGENCY APPLICATION

GENERAL INFORMATION / COVER SHEET

SURFACE MINING PERMITS AND/OR RECLAMATION

- ☐ Surface Mining Permit & Reclamation Plan
☐ Reclamation Plan
☐ Amendment to Surface Mining Permit & Reclamation Plan (No. _____)

General Information:

Applicant _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Property Owner (if different) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Agent (if applicable) _____

Mailing Address _____ City _____ State ____ Zip _____

Phone _____ Cell Phone _____ E-Mail _____

Site Address: _____

Physical Location of Site (cross streets & nearest community): _____

Assessor's Parcel No(s): _____

THIS SPACE FOR OFFICE USE ONLY

Application Received/Reviewed by: _____ **Project Number(s)** _____

Use Description _____

Current Zoning: _____ **Economic Development Project:** _____

Land Use Designation: _____

Agricultural Preserve & Contract Nos. (if applicable) _____

Filing Fee(s): _____ **Total Amount Paid:** _____

Date Received: _____ **Payment Type:** _____

Receipt Number(s) _____ **Existing Entitlements/References:** _____

PERMIT CENTER HOURS: Monday-Friday 9:00 a.m. to 4:30 p.m.

SURFACE MINING PERMITS AND/OR RECLAMATION PLAN

REQUIREMENTS, FEES AND INSTRUCTIONS *(Please use dark blue or black ink)*

1. The application must be filled out completely and in every respect with all questions answered and all requested information provided before the County can officially accept the application for processing. In the course of accepting and processing the application, the Permit Center Official or the Project Planner may request the applicant to clarify, amplify, correct or otherwise supplement the required information. The application may be filed with the Tulare County Resource Management Agency, Permit Center, located at 5961 South Mooney Blvd, Visalia, CA 93277-9394. The phone number is (559) 624-7100.
2. Section 7-25-1105 of the Ordinance Code of Tulare County requires a filing fee to be paid at the time of filing an applicant for Surface Mining Permits/Reclamation Plan. This fee is to cover the cost to the County for advertising, investigations and processing the application through its various stages. If the costs of preparing the written staff report and environmental review exceed the deposit paid, the applicant will be billed an additional \$115/hour for staff time. A public hearing will not be scheduled until payment is received. The following fees apply, depending on the type of use applied for:

Description of Permit	FEE AMOUNT (SUBJECT TO CHANGE AT ANY TIME)
Surface Mining Permit/Reclamation Plan (Planning Commission)	\$3,441.00 deposit plus \$115/hr.
Surface Mining Permit/Reclamation Plan exempt from CEQA	\$2,567.00 deposit plus \$115/hr.
Amendment to Surface Mining Permit/Reclamation Plan	\$2,457.00 deposit plus \$115/hr.
Minor Modification to Surface Mining Permit/Reclamation Plan	\$1,110.00
Request for approval of Financial Assurance	\$135.00
Inspection for release of Financial Assurances	\$350.00 deposit plus \$115/hr.
Interim Management Plan	\$1,510.00 deposit plus \$115/hr.
Additional Fees Due Prior to Public Hearing (if applicable)	
Compliance Monitoring Fee (2 inspections at \$65.00)	\$130.00 deposit
State Fish & Game fee for Environmental Impact Report	\$4,123.50
State Fish & Game fee for Negative Declaration or Mitigated ND	\$2,968.75
County Clerk Filing Fee for Notice of Determination	\$58.00
Recording Fee (Including SB2 - Building Homes and Jobs Act Fee)	\$150.00
Annual Inspection Fee	\$400.00
Additional Charge for Staff Time	To Be Determined

IMPORTANT NOTICE: The applicant is responsible for the payment of all fees associated with this application, including the initial deposit and additional fees charged for processing. In addition, the applicant may be required to submit to the County additional deposits. All fees charged for this application are required to be paid to the County prior to approval of the proposal.

3. This application must be filled out with full and complete answers and must be signed by at least one of the property owners.
4. At least 1 copy of the site plan and an aerial photo shall be submitted so that a complete evaluation may be made of the application by the appropriate agencies, as required. Additional copies of the site plans may be required. The site plan shall include the following:
 - a. Boundaries and topographic details of the site
 - b. Location of all streams, surface water bodies, roads, railroads, water wells and utility facilities within 500 feet of the site
 - c. Location of all currently proposed access roads to be constructed in conducting the surface mining operations(s) and proposed surface dust treatment
 - d. Location of areas [to be] mined, and of waste dumps and tailing ponds
 - e. All existing and proposed processing and stockpile areas
 - f. Typical cross sections of the extent and configuration of slopes to be maintained in excavated areas
 - g. Provisions for the conservation and protection of groundwater, the disposition of surface drainage and erosion control

- h. By use of overlay symbol or color, depiction of separate mining phases, if applicable
- i. The source of map base, north point, and scale
- 5. In the case of large integrated operations, with several separate mines or pits, it will be to the advantage of the applicant to answer all items in sufficient detail not only for clarifying the nature of his operation, but also for protecting any vested rights under the provisions of the Act. The principal map should be of a scale sufficient to show the required details clearly. For a large operation, a smaller-scale, overall map with large-scale detail maps of the critical areas may be more practical. In long-range operations, precision of detail is not as important as a clear exposition of the operation. The use of colored symbols or map overlays is recommended to simplify the map preparation. Aerial photographs may be substituted for maps where they adequately indicate the required information.
- 6. The attached "Indemnification Agreement" must be signed by the applicant and submitted with the completed application.
- 7. Operational Statement: Please attach a detailed operational statement.

SUMMARY OF REQUIREMENTS FOR A SURFACE MINING OR RECLAMATION PLAN APPLICATION

	Application	Staff
1. Completed Application	<input type="checkbox"/>	<input type="checkbox"/>
2. Owner's Affidavit(<i>signed by property owner</i>)	<input type="checkbox"/>	<input type="checkbox"/>
3. Filing Fee	<input type="checkbox"/>	<input type="checkbox"/>
4. Minimum of 1 copy of the site plan of the mined land (<i>additional copies may be required</i>)	<input type="checkbox"/>	<input type="checkbox"/>
5. Indemnification and Cost Recovery Agreement (<i>separate attachment</i>)	<input type="checkbox"/>	<input type="checkbox"/>
6. Supplemental Information – Review of "Identified Hazardous Waste Sites" List	<input type="checkbox"/>	<input type="checkbox"/>
7. Applicant's Request for Notification of Proposed Land Use Action	<input type="checkbox"/>	<input type="checkbox"/>
8. Operational Statement (<i>if required by County</i>)	<input type="checkbox"/>	<input type="checkbox"/>
9. Copy of the Assessor's Map, deeds, contract of sale, or other legal description.	<input type="checkbox"/>	<input type="checkbox"/>
10. Min. 1 copy of a plan indicating method, sequence and timing for reclamation	<input type="checkbox"/>	<input type="checkbox"/>
11. Notarized statement of acknowledgement that all owners of a possessory interest in the land to be mined have been notified of the proposed mining operations	<input type="checkbox"/>	<input type="checkbox"/>
12. 1 copy of a Location and Vicinity Map <i>It is suggested that this map be shown on a USGS 7-1/2 minute topographic quadrangle sheet (Scale: 1: -2000") unless larger scale maps are available. If these are not available, or if the operation is extensive, 15 minute sheets (Scale 1' - 1 mile) may be used. Contours, roads, drainage, adjacent towns, etc., should be shown, as well as the site of the operation.</i>	<input type="checkbox"/>	<input type="checkbox"/>
13. Request for Unused Fees Form (Signed by Applicant)	<input type="checkbox"/>	<input type="checkbox"/>

Note: Information on SMARA can be found online at the Department of Conservation-Office of Mine Reclamation website (<https://www.conservation.ca.gov/dmr/Pages/Index.aspx>).

PLEASE FILL OUT THE FOLLOWING INFORMATION COMPLETELY

- 1. The applicant requests approval of a (check box):

- ☐ Surface Mining Permit and Reclamation Plan
- ☐ Reclamation Plan
- ☐ Amendment to an existing Surface Mining Permit and or Reclamation Plan

State exactly what is to be done on, or with the property (add additional sheets if necessary): _____

2. Name of Mineral Property, if applicable: _____

3. Property owner(s), or owner(s) of surface rights (use additional sheets if necessary).

Property Owner(s): _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner(s) of mineral rights - List, if separate from surface owner. If a mining claim, indicate the owner(s) of the possessory rights (claim owner). (Use additional sheets if necessary.)

Name(s): _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Lessee(s)

Name(s): _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Operator(s) List as individual, partnership, corporation, etc. If a joint venture, also show name of managing person or concern.

Name(s): _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Agent of process

Name: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Where applicable, indicate "Same as applicant." If the actual reclamation is to be conducted by a "person" other than the applicant or operator, indicate the name and address of said person(s).

If more than one owner, enter name and address of each on a separate page. If more than one parcel is included in the operation, enter the owners of each parcel. If the surface and mineral rights are separated, show the owners of surface rights under this item. On Federal land, enter U.S.A. as owner, with administering agency; e.g., USFS, BLM, NPS, etc.

4. How much area of the total parcel or lot is being utilized for the proposed use: _____

5. Present use of the project site: _____

6. Mineral commodity [to be] mined: _____

7. Geologic description, including brief general geologic setting, more detailed description of the mineral deposit [to be] mined, and principal minerals or rock types present: _____

A brief and concise answer is required. Include only essential data on geologic formations, structures, rocks and minerals, and nature of the mineral deposit.

8. Proposed starting date of operation: _____

If the surface mine was already in operation on January 1, 1976, or the operation was conducted prior to that date, so state.

9. Estimated life of operation: _____

10. Duration of first subsequent phases: _____

11. Employees: Indicate the total number of employees and include the number of shifts and number of employees per shift:

12. Hours/Days of Operation

☐ Continuous ☐ Seasonal ☐ Intermittent (if seasonal, include months of operation):

☐ Developed, not yet in operation ☐ Temporarily deactivated ☐ Stockpile in mine

13. Type of equipment and/or machines to be utilized: _____

14. Typical size and carrying capacity of trucks to be used: _____

15. Operation will be (check appropriate box):

- ☐ Under 5,000 tons or cubic yards per year
- ☐ 5,000 – 50,000 tons or cubic yards per year
- ☐ 50,000 – 250,000 tons or cubic yards per year
- ☐ 250,000 – 1,000,000 tons or cubic yards per year
- ☐ Over 1,000,000 tons or cubic yards per year

16. Total anticipated production will be (check appropriate box):

- ☐ Mineral commodities to be removed _____ tons or _____ cu. yds.
- ☐ Waste or overburden retained on site _____ tons or _____ cu. yds.
- ☐ Waste or overburden disposed off-site _____ tons or _____ cu. yds.
- ☐ Maximum anticipated depth _____ feet.

If more than one individual pit or quarry is included in the plan, answer these items for each operation. Note that either tons, or cubic yards (in-place) are requested. The unit not used should be crossed out. Include all ore, mineral, overburden and waste as one total quantity. Attach an additional sheet, if necessary.

17. Mining method (check all that apply).

- ☐ Open Pit ☐ Gravel/Sand Pit
- ☐ Single Bench ☐ Drill and Blast

Quarry:

- ☐ Hill Top ☐ Clay Pit

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Multi-bench | <input type="checkbox"/> Truck to Processing Plant (to RR) |
| <input type="checkbox"/> Side Hill | <input type="checkbox"/> Borrow Pit |
| <input type="checkbox"/> Drag Line | <input type="checkbox"/> Tailings Pond |
| <input type="checkbox"/> Low Level | <input type="checkbox"/> Slurry Pump |
| <input type="checkbox"/> Shovel | <input type="checkbox"/> Waste Dump |
| <input type="checkbox"/> Gravel Bar | <input type="checkbox"/> Underground |
| <input type="checkbox"/> Rail | <input type="checkbox"/> Skimming |
| <input type="checkbox"/> In-stream | <input type="checkbox"/> Other _____ |

18. Operating practices proposed to minimize noise, vibration and dust: _____

19. Methods to prevent pollution of surface or underground water: _____

20. If processing of the ores or minerals mined is planned to be conducted at or adjacent to the site, describe the nature of the processing and explain disposal method of the tailings or waste from processing:

21. Estimate quantity (*gallons per day*) and quality of water required by the proposed operation. Specify proposed sources of the water, method of its conveyance to the property and the quantity and method of disposal for used and/or surplus water:

22. If the nature of the deposit and the mining method used will permit, describe and show the steps or phases of the mining operation that allow concurrent reclamation, and include a proposed time schedule for such concurrent activities (*If essentially no reclamation may be accomplished during first phase, so indicate and explain*):

23. If the mining operation was in existence prior to January 1, 1976, indicate on an overlay map (or by color or symbol) those areas mined since January 1, 1976, which are to be covered by the reclamation plan.
 Acreage: _____
24. Describe the ultimate physical condition of the site and specify proposed use(s), or potential uses, of the mined lands as reclaimed:

25. Describe the relationship of the interim uses other than mining and the ultimate physical condition to:

a. Zoning regulations _____

b. General Plan elements _____

26. Describe soil conditions and a proposed soil salvage plan: _____

If proposed for refill, identify the type of refill material and probable sources: _____

27. Describe on separate pages the method, sequence and timing proposed to bring the reclamation of the land to its end state. Indicate on the map or diagram the following information:

- a. Backfilling and grading
- b. Stabilization of slopes
- c. Stabilization of permanent waste dumps, tailing, etc.
- d. Rehabilitation of pre-mining drainage
- e. Removal, disposal or utilization of residual equipment, structures, refuse, etc.
- f. Water features and methods planned to overcome stagnation
- g. Control of contaminants, especially with regard to surface runoff and ground water
- h. Treatment of streambeds and stream banks to control erosion and sedimentation
- i. Removal or minimization of residual hazards
- j. Re-soiling, re-vegetation with evidence that selected plants can survive given the site's topography, soil and climate
- k. Landscaping plan and planting schedule designed to protect natural vegetation and to restore the appearance of the property
- l. Approximate final contouring
- m. The final disposition of structures

28. If a short term phasing of the reclamation has been determined, describe in detail the specific reclamation to be accomplished during the first phase: _____

Describe how the reclamation of the site in this manner may affect future mining at this site and in the surrounding area.

ENVIRONMENTAL SETTING

29. Describe the project site, prior to the proposed use, including all above and below ground developed improvements (*residences, outbuildings, barns, sheds, covers, shop buildings, septic tank-leach line systems, domestic/agricultural wells, fuel storage tanks, etc.*), including the size of each.

30. Describe the slopes (% and direction) and general terrain of the subject site: _____

31. Trees: identify the type and size of any large trees on site. _____

32. Water courses: identify the type and location of any on-site or nearby water courses (*rivers, canals, ditches, streams, creeks, natural drainage channels, etc.*). _____

33. Describe the character and land use of the surrounding properties (orchards, vineyards, row crops, pasture, open space, water courses, railroads, roads, rural residential, subdivisions, commercial, schools, churches, vacant, city or county boundary):

<u>DIRECTION</u>	<u>CHARACTER/LAND USE</u>
North	
South	
East	
West	

34. Liquid waste disposal (*please check appropriate box*): ☐ Existing ☐ Proposed
☐ Septic Tank-Leach Lines: Size of tank _____gallons & length of lines _____ft.
☐ Seepage Pit - Size _____
☐ Community System – Name: _____
☐ Aerobic tank - Size of tank _____

35. Water supply (*please check appropriate box*): ☐ Existing ☐ Proposed
☐ Domestic Well – Size of pump _____ Gallons per minute _____
☐ Irrigation Well: _____
☐ Irrigation District – Name: _____
☐ Private Water Company – Name: _____
☐ Community System – Name: _____

Note: A “Will Serve” letter must be provided from any off-site community water and/or sewage disposal provider and must be submitted as part of this application. In addition, water availability information for all existing and/or proposed on-site domestic wells must also be submitted with this application.

36. Source of energy (*please check appropriate box*):
☐ Electricity – Company name: _____
☐ Natural Gas – Company name: _____
☐ Propane: Size of tank _____ Provider _____

37. Will the project require the development of public service *facilities* (roads, sewer lines, water lines, etc.)? If so, describe the required development:

**SUPPLEMENTAL INFORMATION FOR
APPLICATION OF ANY DEVELOPMENT PROJECT**

HAZARDOUS WASTE AND SUBSTANCES STATEMENT:

Per California Government Code Section 65962.5(f), before the County accepts as complete an application for any development project, the applicant or owner shall consult the State's lists of hazardous waste facilities, shall submit a signed statement to the County indicating whether the project is located on a site that is included on any of the lists. The "Identified Hazardous Waste Sites" list may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public> or reviewed at the Resource Management Agency Permit Center, 5961 South Mooney Blvd., Visalia, California.

Before any application can be accepted as complete by the Tulare County Resource Management Agency, the owner of the subject property, or the owner's authorized agent, must complete this form.

STATEMENT:

I have reviewed the "Identified Hazardous Waste Sites" list (which may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public>) dated _____, 20____, and state that:

"The site(s) of the project subject to this application ____ is / ____ is not on the "Identified Hazardous Waste Sites" list."

(If the site is on any of hazardous waste facilities lists, the applicant shall inform the County of which list, the date of the list, the regulatory identification number of the site on the list and corrective measures that will be taken to remove the site from the State list.)

CERTIFICATION:

I hereby certify that the information furnished herein presents to the best of my knowledge and belief, true and correct facts, statements, and information, and that I am the owner, or the authorized agent of the owner, of the subject property.

Signed: _____

Dated: _____

OWNER'S AFFIDAVIT
(*Must be signed by property owner*)

STATE OF CALIFORNIA)
COUNTY OF TULARE)

SS.

I, (We,) the undersigned, say:

I (We) own property involved in this application and I (we) have completed this application and other documents and maps required hereby to the best of my (our) ability and the statements and information above referred to are, in all respects, true and correct to the best of my (our) knowledge and belief. I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____, at _____

Name: _____ Signature: _____

Address: _____ State: _____ Zip: _____

Optional – additional property owner

Name: _____ Signature: _____

Address: _____ State: _____ Zip: _____

If there is an agent, title company, or prospective buyer who desires notification of the action taken on this application, please enter name here.

Name: _____

Relationship: _____

Address: _____

State: _____ Zip: _____

Telephone: _____

FAX No.: _____

In the case of applications which are subject to the authority of the Zoning Administrator, (see list of projects), the Zoning Ordinance provides that the applicant has the right to request that the Planning Commission hear the application rather than the Zoning Administrator. Please sign below if you wish to have your application heard by the Planning Commission. Note: An additional fee is required for the Planning Commission process.

Signed: _____ Date: _____

**APPLICANTS' REQUEST FOR NOTIFICATION
OF PROPOSED LAND USE ACTION**

NOTICE:

Under Section 65945(a) of the California Government Code, at the time of filing an application for a development permit, the applicant may make a written request to receive notice from the County of a proposal to adopt or amend any of the following plans or ordinances which may affect the proposed development permit:

1. A General Plan
2. A Specific Plan
3. A Zoning Ordinance
4. An Ordinance affecting building permits or grading permits

The applicant shall specify, in written request, the types of proposed actions for which notice is requested. Prior to taking any of those actions, the County is required to give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the County if the County determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

REQUEST:

[] I hereby request under Section 65945(a) for the following types of actions (see above). Circle those that apply:

1 2 3 4

[] I hereby waive notice under Section 65945(a).

I understand that any rights to notice under Section 65945(a) will lapse at the time that final action is taken on my development project.

Signed: _____
(applicant or authorized agent)

Dated: _____

Permit No.: _____

**ADDITIONAL INFORMATION REGARDING
SURFACE MINING AND RECLAMATION PLAN REQUIREMENTS
TULARE COUNTY RESOURCE MANAGEMENT AGENCY**

EXEMPTIONS

The State Surface Mining and Reclamation Act of 1975 (SMARA) provides that the Act does not apply to any of the following activities (reference Section 2714, Public Resources Code):

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
2. Prospecting for, or the extraction of minerals for commercial purposes, and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
3. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
4. Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

Additional exemptions established by the State Guidelines (Section 3506, Title 14, California Administrative Code):

1. Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one location of one acre or less.

Such activities that consist of geological, geochemical and geophysical mapping; hand surface sampling of outcrops and soil; and core or other test drilling that do not involve extensive, de-vegetation or other significant environmental impact, would normally be considered exempt from the provisions of the Act.

2. Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.

ZONING COMPLIANCE

The above described uses and activities are exempt from any requirement to secure approval of a surface mining permit and/or reclamation plan; however, this does not excuse such uses from complying with all applicable zoning requirements. Some of these uses may, for example, require the approval of a Special Use Permit if such a permit is required under the Zoning Ordinance. In addition, some of the uses may be excluded from particular zones.

A more important zoning consideration is that all surface mining permits must comply with the zoning regulations applicable to the property. The Tulare County Zoning Ordinance presently permits the following described surface mining uses in only the following zones:

TYPE OF USE	ZONES ALLOWED
Borrow Pit	AE, AE-10, AE-20, AE-40, AE-80, AE-1, R-A, O, M-1, M-2, PD-F, AP, AF
Excavation and removal of rock, sand, gravel and other materials	F-1
Mining or extraction of metal, minerals, oils, gas, or hydrocarbons, together with necessary buildings, apparatus, and appurtenances incidental thereto	AE, AE-10, AE-20, AE-40, AE-80, A-1, R-A, R-0, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, M-1, M-2, PD-F, AF, AP
Mineral and hydrocarbon discovery and mining, but not including processing.	TPZ
Potash works	A-1, AE-40, AE-80, M-2, AF
Quarry and stone mill	A-1, AE-40, AE-80, M-2, AF

The above described uses are permitted only in the identified zones, and most require the issuance of a Special Use Permit under the Zoning Ordinance. However, the Zoning Ordinance provides “that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County”. This means that the Special Use Permit requirements under the Zoning Ordinance are satisfied if compliance under SMARA is required. Remember, however, a Special Use Permit may still be required even if the use is exempted from SMARA as described above. The applicant should consult with the Resource Management Agency, Planning Division to determine whether or not a Special Use Permit will be required in such cases.

PROCESSING OF MINED MATERIALS

It should be emphasized that approval of a surface mining permit only constitutes an approval or entitlement for use of a surface mining operation. It does not include any approval of processing facilities for the mined materials. If such processing facilities are proposed on the same site, or in conjunction with the surface mining operation, additional permits or approvals may be required under the Zoning Ordinance. Applicants are again encouraged to consult with the Planning staff to determine what additional permits or approvals are necessary before filing the mining permit application.

DEFINITIONS

The following definitions were extracted from the SMARA and the State Guidelines (*not a complete list*).

“Mined land” includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.

“Operator” means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

“Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other measures.

“Reclamation Plan” means the applicant’s (operator’s) completed and approved plan for reclaiming the lands affected by his surface mining operations conducted after January 1, 1976 (Reference Section 2772 of SMARA).

“Surface Mining Operations” means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) In place distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

“Minerals” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

APPLICATION PROCESS

The following is a summary of the various Tulare County deadlines and processing requirements for surface mining permits and/or reclamation plan applications:

1. Not less than 30 days after filing out the application, the County Planning and Development Department must determine whether the application is complete and inform the applicant of the determination. In the event the application is found to be incomplete, the Department will specify those parts of the application, which are incomplete and indicate the manner in which they can be made complete.
2. If the application qualifies for a Negative Declaration under the California Environmental Quality Act (CEQA), the applicant will be informed and the application will be set for public hearing. A hearing will be scheduled before the Planning Commission not more than 90 days after the acceptance of the application as complete. The hearing may be continued from time to time.
3. If the application requires the preparation of an Environmental Impact Report (EIR) under the CEQA, the applicant will be informed and requested to authorize the preparation of the EIR if authorization was not previously given. The Department is not permitted to initiate work on the EIR until the applicant agrees to the preparation of the EIR. (Note: The applicant has the right to appeal the decision to prepare an EIR to the Board of Supervisors within 5 days). Once the applicant agrees to the preparation of the EIR, the EIR is completed and the fees have been paid, the Department is free to set the matter for hearing. A hearing will be scheduled before the Planning Commission not more than 30 days after completion of the Final EIR. The hearing may be continued from time to time.
4. Notice of the Planning Commission hearing is given at least 10 days prior to the hearing. Both the applicant and the owners of all property within 300' of the site will be given mailed notice of the hearing.
5. After the hearing, the Planning Commission may approve, conditionally approve or deny the proposal.
6. The applicant will be mailed a copy of the Planning Commission's decision within 10 days after the date the decision is made.
7. Any person adversely affected by the decision of the Planning Commission's decision to the Tulare County Board of Supervisors. The appeal must be in writing and filed with the Clerk of the Board of Supervisors within 10 days after the date the decision is made.
8. If no appeal is filed, the Planning Commission's decision is final 10 days after the date the decision is made.
9. If an appeal is filed, 10 days notice of the appeal hearing before the Board of Supervisors will be given to the applicant, the applicant, and all persons who requested a copy of the Planning Commission's decision and to all owners of property within 300'.
10. After the hearing, the Board of Supervisors may affirm, revoke, or modify the Planning Commission's decision, or refer the matter back to the Planning Commission.
11. An additional appeal for certain types of projects may be filed with the State Mining and Geology Board, within 15 days of exhausting all appeal rights with the Board of Supervisors.

The County of Tulare
“INDEMNIFICATION AND COST RECOVERY AGREEMENT”
(must accompany this application)

Please download or print out the form from the
County Web Site
(located with the list of land use applications).

The Indemnification and Cost Recovery Agreement
must be filled in and signed by the applicant and must be
submitted as part of any land use application requiring
discretionary review by the County.

This Agreement must be signed by the Applicant

Please sign the Agreement in blue ink (preferred)
and submit the original, signed document with the appropriate
land use application.

WITHDRAWAL OF APPLICATION

Should you, at any time during the processing of your application, wish to withdraw your application and request a refund of fees paid, you may do so by forwarding a letter to the Resource Management Agency making that request. Please state clearly that you no longer wish to proceed with your land use project (*state the project number*), and that you are requesting a withdrawal of your project and a refund of any fees that have not been expended for the processing of your application.

Please date and sign the letter and include a mailing address where you would like any refund of fees (if applicable) to be mailed. Forward the request to the attention of the project planner.

REQUEST FOR REFUND OF FEES

Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Project Number: _____

Please refund any unused fees associated with this application to the designated name and address below.

(please print name)

(Street Address, Suite/Apt. No.)

(City, State, Zip)

Signature

Date