

## ATTACHMENT 4

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

#### **REQUIRED FINDINGS**

To approve the project, the Planning Commission must determine that the applicants have submitted evidence in support of making **all** of the following required findings:

#### **1. SURFACE MINING RECLAMATION PLANS**

The Surface Mining and Reclamation Act (SMARA), as codified in the California Public Resources Code (PRC) commencing at Section 2700, and as locally implemented in HCC Sections 391 *et seq.* and A316-36 *et seq.* establish the administrative basis for the regulation of surface mining and reclamation activities. In addition to findings associated with the review of the mineral extraction activities undertaken in the use permit process, specific criteria for reclamation plans overseeing the rehabilitation and closure of the mining site apply. Generally, reclamation plans must be: a) applicable to a specific piece of property or properties; b) based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities; and c) establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation, and sediment and erosion control. In addition:

- A. The reclamation plan shall meet the form and content requirements of state law and local ordinance.

#### **2. FINANCIAL ASSURANCES**

In addition to the specific techniques and methods to be used to reclaim the mining site, either annually or at the end of the permitted extraction period, mining concerns must demonstrate the financial ability to carry out the reclamation plan. PRC §2770, §2773.1, related administrative guidelines of the Department of Conservation's State Mining and Geology Board (California Code of Regulations §§ 3800 - 3806.2), and local implementing ordinances direct the lead agency to require that the financial assurance:

- A. Comply with the established form, term, and monetary adequacy requirements, as periodically reviewed, to assure the reclamation will be completed should default by the responsible party occur.

#### **3. ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA) as codified in Public Resources Code (PRC) §21000 *et seq.* and California Code of Regulations (CCR) §15000 *et seq.*, one of the following findings must be made prior to the approval of any development subject to CEQA:

- A. The project is categorically or statutorily exempted; or
- B. There is no substantial evidence that the project will have a significant effect on the environment and a Negative Declaration has been prepared; or
- C. The project has had an Environmental Impact Report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in CCR §15091 (statement of overriding considerations) have been made.