

**Persistence Reclamation Plan
Project No. MRP-2023-00001**

Findings: Reclamation Plan

Reclamation Plan for the Persistence Mine, to extract desert placer style gold from semi to unconsolidated sands and silts (Sediments) from placer mining claims permitted by the Bureau of Land Management (BLM), covering 126 acres across two non-contiguous pits (Eastern and Western Pit), within a property area of 267 acres.

Pursuant to Development Code Section 88.03.060(k)(2), the following findings must be made in the affirmative in order to approve the Project's Reclamation Plan:

- 1. The Reclamation Plan complies with the California Surface Mining and Reclamation Act (SMARA)(Public Code Sections 2772-2773 and any other applicable provisions).**

The Reclamation Plan for the Persistence Mine was reviewed, and conditioned, for compliance with SMARA. It has also been reviewed and accepted by the California Department of Conservation, Division of Mine Reclamation (DMR). As a matter of record, the Project's submittal was first deemed incomplete by Planning Staff on December 12, 2023, as the mining application submittal did not meet the mining division submittal information requirements. On March 6, 2024, the County Mining Division notified DMR and the applicant that the project submittal was complete and certified the submission meets the applicable requirements of SMARA and the County's local mining ordinance. Notwithstanding the County certification, DMR deemed the submittal incomplete on March 28, 2024. Thereafter, on August 13, 2024, DMR was satisfied with the mining documents revision to accept the submittal as complete pursuant to addressing the agency's comments.

2. The Reclamation Plan complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).

The Reclamation Plan was reviewed and conditioned for compliance with SMARA. It has also been reviewed and accepted by DMR.

SMARA requires that reclaimed sites provide wildlife habitat “at least as good as that which existed before ... mining,” and that reclaimed sites must be “similar to naturally occurring habitats in the surrounding area.” (14 CCR § 3703.) SMARA requires the operator to demonstrate that vegetation on reclaimed sites has been self-sustaining without irrigation, fertilization, or weeding for a minimum of two years prior to release of performance bond.

The goal of reclamation for the Persistence Mine is to reclaim site to a usable condition for post-mining end uses which will include Open Space and the following:

- Backfill pit with available material and revegetate disturbed areas to return biological productivity and to minimize aesthetic impacts; and
- Reclaim the site as necessary to eliminate hazards to public health and safety; and
- Reduce environmental impacts from mining operations.

Pursuant to DMR’s comments the Revegetation Plan is in conformance SMARA regulations Section 3705 as it complies with SMARA revegetation performances standards.

3. The Reclamation Plan and potential use of land reclaimed in compliance with the Reclamation Plan are consistent with the Development Code, General Plan, and any applicable resource plan or element.

The Reclamation Plan and potential end use of lands disturbed and reclaimed in compliance with the Plan, as conditioned, are consistent with the Development Code and Countywide Plan. Mining for the site will occur within the Resource Conservation (RC) Land Use Zoning District which authorizes mining activity. As explained in the Staff Report, the Bureau of Land Management (BLM) is responsible for the permitting of the Plan of Operation since the mine is located on Federal land. However, the proposed mining activity and future reclamation are consistent with Policy Plan goals LU-2.4 (Land Use Map Consistency), LU-2.6

(Coordination with Adjacent Entities), NR-6.1 (Mineral Resource Areas), and NR-6.2 (Mining Operations and Reclamation), and the Reclamation Plan has been reviewed and conditioned to comply with the Development Code.

4. **The Reclamation Plan has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.**

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of required Mitigation Measures. After circulation of the Project's Initial Study, conditions of approval have been added in response to public review comments. The review authority finds that the new conditions will not create a new significant impact and are not necessary to mitigate a significant impact. Accordingly, recirculation of the Initial Study is not required pursuant to Section 15073.5(c)(3) of the CEQA Guidelines. Alternatively, even if considered mitigation, the mitigation is added in response to comments on environmental impacts already identified in the Initial Study and do not relate to new avoidable significant effects. As a result, a Mitigated Negative Declaration (MND) will be adopted. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

5. **The land and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other open space resources, or suitable off-site development will compensate for related disturbance to resource values.**

Affected lands will be reclaimed to a condition compatible with, and blending with, the surrounding natural environment, topography, and other open space resources as identified in the Reclamation Plan. Financial Assurances and annual mine inspections pursuant to SMARA will take place to ensure this occurs. Groundwater resource will also be monitored and mitigated should related disturbance to this resource occur.

Reclamation will include the removal of all equipment, any structures, and debris from the site. Any remaining stockpiles will be backfilled into the pit and graded for positive drainage where possible. Compacted surfaces will be loosened by mechanical means and the entire site, onsite roads, stockpile areas, and the pit footprint, will be reseeded with stored mulch, scavenged seeds or native plant species. The pit will be backfilled, and there will be no steep slopes remaining. If the pit is not completely backfilled, any perimeter slopes will be filled to 2H:1V. If

needed, a protective berm will be maintained around the pit rim and shall be posted with warning signs of steep slope hazard.

6. **The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.**

The Reclamation Plan, as conditioned, along with annual mine inspections pursuant to SMARA will ensure reclamation of the mined lands return to a usable condition (Open Space Habitat) that is readily adaptable for alternative land uses, which with regard to this Project, is open space. The reclaimed site will allow for future exploration and development of additional resources located on unpatented claims beneath and outside of the backfilled pits. The reclaimed site will not preclude or necessitate any future mining activities or surface modification. Concerning public safety, all equipment and debris will be removed from the site upon project completion. Access to the site will be controlled with locked gates, signage, and blocked secondary access roads. The pit will be backfilled and stockpiles removed for the backfill material; therefore, no steep slopes will remain onsite.

7. **A written response to the Division of Mine Reclamation (DMR), a division of the State Department of Conservation, has been prepared, describing the disposition of major issues raised by DMR.**

The Reclamation Plan was reviewed, and conditioned, for compliance with SMARA. It has also been reviewed and accepted by DMR. As detailed in Finding No. 1, on August 13, 2024, DMR was satisfied with the mining documents revision to accept the submittal as complete pursuant to addressing the agency's comments.