

Guarantees. The Applicant, or Permittee if applicable, shall pay the cost of any such study and investigation, including the cost for the annual review. If the Permittee fails to maintain the Financial Guarantees required by the County, the DCI Conditional Use Permit shall be automatically suspended until the deficiency has been cured. The Administrator shall issue an annual report describing the status of the Financial Guarantees, including the claims filed and distributions made.

11.14.7.1 Performance Financial Guarantee. The Applicant shall post an irrevocable Financial Guarantee in an amount determined by the Administrator, but no less than one hundred twenty five (125) percent of the cost to manage and close the facility, conduct monitoring during operation and for one hundred (100) years after closure, to remediate contamination, damage, and impacts arising from or related to Mineral Resource Extraction and Processing, and to remediate baseline conditions and reclaim legacy mines or historic mine sites. The Financial Guarantee shall include the cost associated with hiring one or more local contractors to conduct remediation, reclamation, and closure. The Administrator may consider historical evidence in determining the required amount of the Financial Guarantee.

11.14.7.2. Cash Deposit to Trust for Roadway Damage Compensation. The Applicant shall fund an irrevocable road damage trust in an amount determined by the Administrator equal to or greater than the cost to construct, improve, expand, and maintain all public roads affected by the Mineral Resource Extraction and Processing. The County shall be the sole beneficiary of the trust, and shall name the trust administrator who shall receive the initial deposit.

11.14.8. Closure. The closure of the Mining Resource Extraction and Processing shall comply with the approved Closure Plan.

11.14.9. Reclamation. Reclamation shall begin as soon as practicable after the commencement of mineral resource extraction and processing, and shall continue concurrently with such operation until reclamation is completed. Reclamation of a phase shall begin prior to the initiation of a subsequent phase.

11.14.10. Temporary Cessation. The Permittee shall comply with this section if it temporarily ceases the Mineral Resource Extraction and Processing for an unplanned period greater than five (5) calendar days, provided that the Permittee shall comply with Section 11.11 if the Administrator determines that the Permittee does not intend to continue the operation within a reasonable period of time.

11.14.10.1. The Permittee shall meet the following standards in the event of temporary cessation:

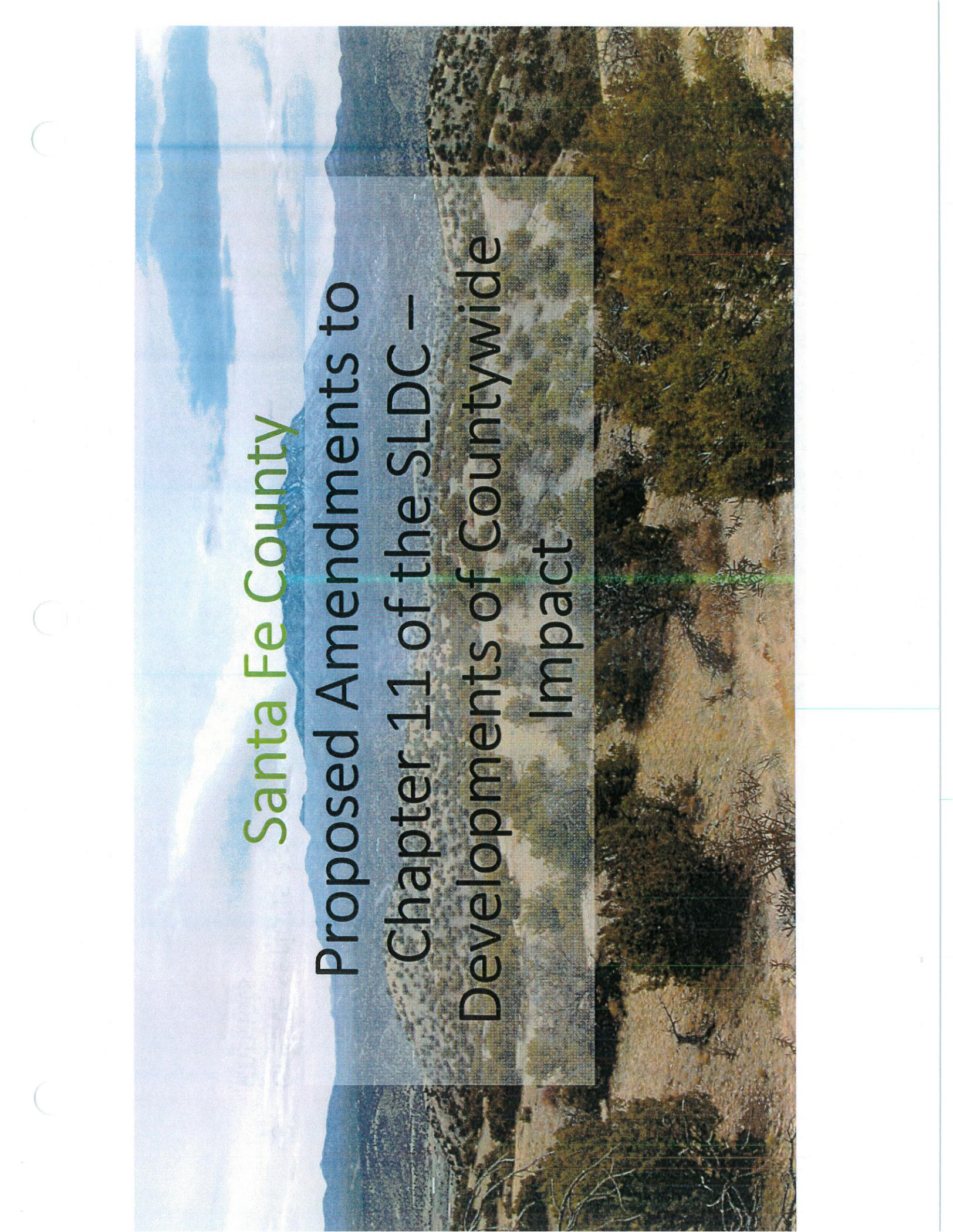
1. no later than twenty-four (24) hours after the cessation, the Permittee shall notify the Administrator in writing, including the reason for cessation, estimated duration of cessation, and actions taken to comply with the standards of this section. The Permittee shall post the notice at the main entrance to the operation, and shall mail the notice by certified mail to all residents, land owners and lessees, owners and lessees of non-residential structures, and Registered Organizations and Community Organizations that are registered for notification of applications for DCI Overlay Zoning Districts or DCIs under sections 2.2.2 and 2.2.3 of the SLDC, that are located within one (1) mile of the property boundaries of the DCI Overlay Zoning District;
2. maintain all structures and facilities;

3. comply with all conditions of the DCI Conditional Use Permit, including monitoring and reporting;
4. comply with all applicable standards and requirements of the DCI Conditional Use Permit; and
5. secure the operation to prevent unauthorized access.

11.14.10.2. A Permittee that recommences Mineral Resource Excavation and Processing after a temporary cessation shall give written notice of such action in the same manner as specified in Section 11.14.10.1.

11.14.10.3. A Permittee who ceases Mineral Resource Excavation and Processing for a continuous period of more than three (3) years or more than twice in a three (3) year period shall not recommence such operation until it obtains a new DCI Conditional Use Permit.

11.14.11. Termination. If the Administrator determines that Mineral Resource Extraction and Processing has terminated, the Permittee shall comply with the closure and reclamation requirements of the DCI Conditional Use Permit.



Santa Fe County

Proposed Amendments to Chapter 11 of the SLDC – Developments of Countywide Impact

Developments of Countywide Impact

Sustainable Land Development Code Chapter 11—Developments of Countywide Impact (DCI) Section 11.1 identifies DCIs as developments that:

1. Place major demands on public facilities and budget;
2. Affect the environment, health, safety, and welfare beyond immediately neighboring properties; and
3. Create serious adverse noise, light, odor, vibration, and traffic impacts

Developments of Countywide Impact

Developments of Countywide Impact identified in the SLDC include:

- Landfills
- Junkyards
- Large-scale sand and gravel extraction and processing
- Mining and Resource Extraction (Reserved)
- Concentrated Animal Feeding Operations (Reserved)
- Oil and Gas Drilling and Production (Ordinance 2008-19)

Existing Mine Regulations—Ord. 1996-10

- Existing regulations:
 - Concurrent reclamation
 - Bonding
 - Annual inspection and monitoring
 - Environmental impact statement
 - Plans for operation, reclamation, emergencies
 - Standards for water protection, waste management, wildlife protection
- Reason for update:
 - Permitting process is inconsistent with the Sustainable Land Development Code (SLDC)
 - Regulatory best practices and best available science have evolved

Purpose

To amend Chapter 11 of the SLDC to provide a complete and reasonable regulatory process that:

1. Prevents negative environmental and social impacts;
2. Avoids long term treatment requirements;
3. Requires the operator to bear all present and future costs associated with the DCI; and
4. Establishes regulations for mineral resource extraction and processing consistent with the SLDC

Proposed Amendments to Chapter 11:

1. Clarify and establish requirements applicable to all DCIs;
2. Address errors and clarify language;
3. Clarify procedures for DCI Overlay Zoning District and Conditional Use Permit; and
4. Establish regulations for mineral resource extraction and processing

Public Participation

- Held Stakeholder Working Group Meetings
- Conducted 30 day public comment period
- Held 4 public meetings throughout the County
- Public comments recorded on matrix (Exhibit C)

Review and Consultation

- Reviewed national and international standards and regulations
- Contracted with expert in mining regulations
- Consulted with state agencies

Public Hearings

- Published legal notice in New Mexican and Journal North
- First public hearing before the Planning Commission
- Second public hearing before the BCC
- Comments recorded on public comments matrix (Exhibit C)

Recent Changes

- Planning Commission (Exhibit B):
 - Fix incorrect citation (11.4.3)
 - Revised term of Financial Guarantee (11.5.6.7)
 - Code violations as a basis for Permit suspension or revocation (11.5.12)
 - Stormwater Pollution Prevention Plan (SWPPP) (11.7.1.9)
- Public comments:
 - Fixed imprecise language (11.8.11.2)

Regulations for Sand and Gravel Extraction

- **Small-Scale Sand and Gravel**
 - Not a DCI
 - Conditional use permit with supplemental zoning standards (10.19)
 - Less than 10 acres;
 - Less than 20,000 tons; and
 - Does not use blasting
- **Large-Scale Sand and Gravel**
 - DCI Conditional use permit (11.11)
 - More than 10 acres;
 - More than 20,000 tons; or
 - Uses blasting

Proposed Amendments to Chapter 11

- Additions to all DCIs:
 - Applicant background
 - Sampling and analysis plan
 - Technical and financial feasibility
 - Greenhouse gases analysis and standards
 - Stormwater Pollution Prevention Plan (SWPPP)
 - Fiscal impact analysis
- Additions to Sand and Gravel
 - Closure plan

Questions?

