



RIO ARRIBA COUNTY
SAND AND GRAVEL AND MINING
ORDINANCE 2013-002

B: 535 P: 4122 Doc Id: 2012-04122 Jeremy
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Helen A. Morelen Jr. County Clerk & Recorder Rio Arriba, New Mexico



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RIO ARriba BOARD OF COUNTY COMMISSIONERS

THE ORDINANCES 2000-01 AND 2002-02 ARE COMPILED, AMENDED, RESTATED, AND SUPPLEMENTED BY THIS ORDINANCE 2013-002, RESTATING A SYSTEM OF SAND AND GRAVEL AND MINING REGULATIONS THROUGHOUT RIO ARriba COUNTY PROVIDING FOR PROCESS AND ADMINISTRATION AND SETTING FORTH PERFORMANCE STANDARDS THEREOF AND PROVIDING FOR REVOCATION AND PENALTIES FOR VIOLATIONS.

ARTICLE I. GENERAL PROVISIONS

Section 1.01 Title

- A. This ordinance shall be known and may be cited as the "Rio Arriba County Sand and Gravel and Mining Ordinance, 2013-002" and shall be referred to elsewhere herein as "this Ordinance."

Section 1.02 Authority

- A. This Ordinance is created pursuant to the enabling authority set forth in §§ 3-21-14 NMSA.

Section 1.03. Applicability

- A. No person, firm, or corporation shall hereafter engage in mining, extraction excavation and/or processing of sand, gravel, rock, soil or other similar materials on any land within Rio Arriba County without first obtaining a Special Use Permit as regulated in the Rio Arriba County Design and Development Regulation System Ordinance.
- B. Sand and Gravel activities that are in existence at the date this Ordinance is adopted and are not governed by Ordinance 2009-09 shall be governed by the provisions of the Section titled "Legal Nonconforming Land Uses and Structures" found in the current edition of the Rio Arriba County Design and Development Regulation System Ordinance.
- C. Mining activities that are in existence at the date this Ordinance is adopted shall be governed by the provisions of the Section titled "Legal Nonconforming Land Uses and Structures" found in the current edition of the Rio Arriba County Design and Development Regulation System Ordinance.



Section 1.04. Purpose

- A. This Ordinance is adopted for those purposes set forth in Ordinance No. 2013-002- and to provide for and protect the public health, safety and general welfare of Rio Arriba County
- B. Provide for the economic availability and removal of sand, gravel, rock, hard rock, soil and similar materials vital to the continued economic growth of Rio Arriba County.
- C. Provide protection to those areas of the County that are identified in the Comprehensive Plan as Critical Management Areas.
- D. Establish locations and orderly operating conditions under which mining, extractions or excavation operations will be allowed in the County
- E. To establish conditions which ensure the restoration of mined and excavated areas consistent with surrounding properties.

Section 1.05 Jurisdiction

- A. This ordinance applies to all land within Rio Arriba County; with boundaries defined in the NMSA 1978 article 4-21; except for land within the zoning jurisdiction of a municipality, land controlled by the federal government, state government, or property designated as Native American lands.

Section 1.06. Exemptions

- A. The following are exemptions from the regulatory provisions of this ordinance;
 - 1. Uses regulated by issuance of a Temporary Use Affidavit as provided in the Design and Development Regulation System ordinance;
 - 2. Individual persons who mine sand and gravel on their own properties for their own personal use to the extent that the surface area of the disturbance shall not consist of more than half (.50) acre ;
 - 3. Sand and Gravel and Mining processing and administrative activities which are located on a lot not contiguous to the excavation or mining operation or which are not an integral part of that function and may be regulated through issuance of a Use Permit and;
 - 4. Exploratory activities which do not result in the mining and/or removal of more than ten (10) cubic yards of material from a single parcel of land within a one year time period.
 - 5. Trenching or excavations for underground utilities, drain systems or building construction regulated by a Development Permit.



Section 1.07 Interpretation

- A. The provisions of This Ordinance are held to be minimum requirements. Whenever any provisions of This Ordinance conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. This Ordinance shall be construed broadly to promote the purposes for which it is adopted.
- B. Whenever the Board of County Commissioners (BOCC) or its delegate is required by This Ordinance to make a decision, the decision shall be in writing and supported by the Findings of Fact which are sufficient for meaningful review.

ARTICLE II DEFINITIONS

Section 2.01 Definitions

- A. Definitions listed alphabetically

A-Weighted - Specific weighting of the sound pressure level for the purpose of determining human response to sound as described in American National Standards Institute (ANSI) S1.4-1983.

Background Sound Level - The A-weighted sound level which is exceeded 90 percent of the time during the period of observation, during which times sounds from routine motor vehicular traffic and other transient sources is inaudible. The period of observation need not necessarily be contiguous; however, the period of observation must be at least 10 minutes of duration.

Basal Cover - The vegetative cover or extent of cover found at the crown or base of a plant.

Board of County Commissioners (BOCC) - The Rio Arriba County Board of Commissioners

Borrow Site - An area from which stone, soil, sand or gravel is excavated for use at a project site.

dB(A) - Unit of sound level expressed in decibels (dB) as measured on the A-weighted scale.

Discharges - Any measurable, natural or man-made, release of water, sediment or other particulates into the environment.



Disturbed Area - The area within the property which is altered by mining and related activities, including but not limited to road, utility and facilities construction, and materials stockpiling areas.

Excavation – The process or action of excavating a hole, pit or cavity formed by cutting digging, scooping or dredging.

Existing Mine - Any sand or gravel extraction operation lawfully existing and in operation on the effective date of Ordinance 2009-09 or a mining activity legally in operation on the effective date of This Ordinance.

Exploration Operation – A limited, usually surface, mine operation or drilling event related to the determination of the geologic and economic extent of a sand and gravel or mineral resources.

Foliar Cover -The percentage of ground cover covered by the vertical projection of the aerial portion of plants and excluding small openings in the canopy.

Fugitive Dust – Particles of dust lifted into the air; caused by manmade and natural activities such as the movement of soil, vehicles, equipment, blasting and wind.

Ground Cover -The amount (measured as a percentage) of rock, litter, and vegetative basal cover covering the ground. This is further broken down into the components; such as percent litter, percent rock and percent basal cover.

Impulse Noise - Any single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise time less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Mining, Extraction or Excavation -The use of land for surface or subsurface removal of sand, gravel, rock, hard rock, pumice, soil or similar materials.

Mitigation Measures - Any proposed or undertaken activity taken for the purpose of lessening or eliminating adverse impacts resulting from mining and related activities.

Mulch - Vegetation residues or other materials that aid in stabilizing soils and conserving soil moisture.

Noise Sensitive Zone - Areas where ensuring of exceptional quiet is of importance during day and night hours. Noise sensitive activities include, but are not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.

Overburden - Consolidated or unconsolidated materials of any nature, that overlay a sand and gravel or mineral deposit.



Pit – The area from which sand, gravel, soil or similar earthen materials have been removed, usually located at or below the grade of surrounding property.

Post-Mining Land Use - Specific uses or management-related activities that follow closure of a mine.

Property - Lands that have a legal description and recorded ownership attached, that are the subject in part or in whole to mining, or proposed mining related activities.

Property-line-noise-source - Any equipment or facility, or combination thereof, mobile or stationary, which is capable of emitting sound beyond the property line of the land on which the mining operations are conducted.

Reclamation - Those activities taken to return mined and disturbed lands to an approved post-mining land use. These activities may include: backfilling, grading, compacting, soil stabilization, reseeding, re-vegetation, and planting of nursery stock.

Sand and Gravel - Naturally occurring rock or unconsolidated, materials, used for the production of sand, gravel, aggregate, and riprap.

- B. Any words not defined herein shall be construed as defined in the statutory and common laws of the State of New Mexico, and if not defined therein, then defined in the current adopted codes of Rio Arriba County and if not defined therein, then in accordance with Webster's Unabridged Dictionary.

ARTICLE III APPROVAL PROCESS

Section 3.01 Site Criteria Performance Standards

- A. A Use Permit may only be approved if similar uses have been established as non-conforming on contiguous or adjacent locations; or if the proposed use is found by the BOCC to be compatible with neighboring uses.
- B. Use permits may not be permitted on tracts of land smaller than ten (10.0) acres in area, except for uses approved as a Temporary Use.
- C. Use permits will not be issued if the boundary of the project is within 1000 feet of schools, traditional communities, hospitals, clinics and other health care facilities.

Section 3.02 Performance and Development Standards

- A. Performance and development standards in This Ordinance shall be in addition to those set out in the Rio Arriba County Design and Development Regulation System Ordinance for a Special Use Permit.

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- B. If more restrictive provisions conflict with other more general provisions of This Ordinance, the more restrictive provision shall apply.
- C. Setback distance requirements for all mining, extraction, excavating, stockpiling or land disturbance and for all processing equipment;
1. 50 feet from adjoining property lines,
 2. 300 feet from the boundary of residentially developed property,
 3. 25 feet to the right-of-way of public and private streets or easements,
 4. 115 feet from the centerline of any acequia
 5. If two or more mining operations are contiguous to one another, the common boundary area may be mined, extracted or excavated if all parties involved sign a notarized agreement permitting the activity.
- D. A slope equal to the natural angle of repose for the material being excavated shall be maintained between the bottom of the pit and the inner boundary line of the setback. A plan shall be prepared and signed by an Engineer licensed by the State of New Mexico to determine the natural angle of repose for the material on the edge of the pit and to prepare a method for an inspector to use when measuring the correct angle of repose.
- E. Additional setback distance and development requirements for in-channel excavation:
1. 10 feet from the toe of the stream banks in a straight channel reach,
 2. 10 feet from the stream banks along the outside channel bend on a curved reach,
 3. One-third (1/3) the channel width along the outside channel bend on a curved channel reach having radius of 200 feet or less,
 4. 100 feet downstream and 50 feet upstream of a public roadway grade crossing,
 5. 100 feet of any bridge or drainage structure,
 6. 100 feet of any buried utilities,
 7. 100 feet of utility poles,
 8. Depth of excavation shall be limited to a maximum of five (5) feet below the low-flow channel.
- F. A technical analyses, prepared by a qualified specialist may be submitted supporting setback and development criteria other than those described in Section 3.02 (E) herein.
- G. Setback distances for non-processing buildings and structures shall be the basic Design and Development Standards for the County Rural Agricultural District (CRAD).

Section 3.03 Terrain Management Performance Standards

- A. Sand and gravel and mining sites located within one mile of an acequia diversion point shall provide a hydrologic plan designed to protect the acequia water flow from



diminishment or disruption caused by such events as a change in stream bed elevation, decreased water flow or lowering of the water table.

B. All excavating, grading, filling, and clearing operations shall be designed to fulfill the following requirements in the Terrain Management Plan that are outlined below:

1. Preserve, match or blend with the natural contours of the land.
 - a. The plan shall adequately describe how all grading and excavating operations will be performed to blend slopes and fills into the natural contours of the land.
 - b. The plan shall indicate whether the operator intends to retain or replace trees and other native vegetation, to stabilize slopes, retain moisture, manage erosion and runoff, and mitigate impacts to the natural scenic beauty.
 - c. The plan shall demonstrate how the discharge of sediment and other pollutants into floodplains, drainage channels, water courses, and water bodies complies with all applicable state and federal regulations.

Section 3.04 Storm Drainage and Flood Control Management Performance Standards

- A. The regulations and standards of the Rio Arriba County Flood Damage Prevention Ordinance shall be used to govern properties that lie within a flood hazard zone.
- B. The U.S. Army Corps of Engineers shall be consulted for conditions of approval for any excavation or mining activity or road that services such activities that lies in proximity to water ways under its jurisdiction.
- C. All storm drainage systems shall be constructed in accordance with the standard of the Rio Arriba County Soil and Water Conservation District in which the site is located.
- D. Hydrology evaluation is NRCS (National Resources Conservation Service) Technical Release 55, Urban Hydrology for Small Watersheds or Chapter 2 of the NRCS Engineering Field Manual. Other methods such as HEC I, HEC2, HYMO/AHYMO, or the Rational Method are acceptable if sufficient supporting data is presented and deemed adequate by the County.

Section 3.05 Cultural Resources Performance Standards

- A. In order to preserve and enhance the unique heritage of the County of Rio Arriba, all operations shall be established in a manner that respects and avoids disturbance of historic, cultural or archaeological sites, natural and man-made landmarks, acequias, and unmarked human burials. Such sites and landmarks include, but are not limited to structures which are designated by the Official Register of Cultural Properties maintained by the New Mexico Cultural Properties Review Committee or are properties which may contain historic or pre-historic structures, ruins, sites of objects, the desecration or destruction of which would result in loss to the public.



B. A cultural preservation plan shall be required for each proposed mining operation. The plan shall consist of the following:

1. A detailed description of historic, cultural or archaeological sites that are more than 50 years old on the property;
2. A description of how the proposed mining activity will disturb or adversely impact identified historic, cultural or archaeological sites and artifacts located on the property;
3. A description of how adverse impacts will be mitigated, including methods of restoration, preservation, and salvage; and,
4. The identity and qualifications of all individuals who are involved in the preparation and implementation of the Cultural Resources Plan.

C. Sand and gravel and mining affecting registered cultural properties shall comply with the Cultural Properties Act, NMSA 1978 and any amendments thereto. Additional compliance may be required with Federal regulations if the mined material from the property will be used on Federally funded projects.

Section 3.06 Environmental Protection Performance Standards

A. Mining activity shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter; odorous matter, toxic or noxious matter; radiation hazards; fire and explosive hazards; or electromagnetic interference. If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration; smoke, dust, odor or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a significant adverse impact to the adjacent areas, a plan shall be submitted which states how such conditions will be mitigated.

B. Air Quality Performance Standards

1. A dust abatement plan shall be submitted with the Special Use Permit application.
2. Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on site, the plan shall provide for the exposed surfaces to be treated to prevent fugitive dust.
3. Processing operations shall use dust suppression techniques so there are no fugitive dust beyond property boundaries.

4. The standards and regulations of the New Mexico Environment Department, Air Quality Bureau as described in the New Mexico Administrative Code titles 7, 11 and 20 shall be met.

C. Sound and Vibration Mitigation Performance Standards

1. A Sound and Vibration Mitigation plan shall be submitted with the Special Use Permit application. The plan shall include:
 - a. A description and location of all significant sources of noise and vibration (mobile and stationary) that will be associated with the proposed mining and processing activity;
 - b. A description of existing and proposed sound and vibration abatement measures, and the schedule of their implementation (if any).
 - c. The predicted sound level estimated out to a radius of one-half mile from the mining property as a result of implementation of the proposed operation with abatement measures;
 - d. A description of how vibration from off-site heavy equipment and truck traffic associated with the proposed mining operation may affect structures on properties adjacent to travel routes taken by the heavy equipment and trucks; and,
 - e. A description of vibration mitigation measures for heavy equipment and truck traffic that will be taken (i.e. traffic volume, speed and weight limits, access, and route control).

D. Noise Performance Standards

1. Operations shall not cause or allow the emission of any sound from any property-line-noise-source (impulse or continuous) which exceeds the allowable A-weighted sound levels specified in the following table when measured at any point. In mixed-use areas the more restrictive allowable sound emission level shall apply

Allowable Sound Pressure Levels (dB) of Emitted Sound	
Residential, Single-Family, Mobile Homes	70 dBA
Residential, Multi-family	70 dBA
Schools, Churches, Hospitals, Nursing Homes	70 dBA
Offices, Business, Commercial and Professional Buildings	70 dBA
Industrial, Utilities, Agricultural	75 dBA



Allowable Sound Pressure
Levels (dB) of Emitted Sound

Undeveloped Public Lands

75 dBA

2. The peak noise from any blast shall be limited to 130 dB (un-weighted) at the boundary of the mining property.
3. All sound pressure levels shall be measured at the mining property line. All measurements shall be made following the appropriate and most current ANSI or equivalent procedures. Measurements shall be made during times the property-line-noise-source(s) are operating.
4. No property-line-noise-sources, stationary and mobile, shall be operated during the following holidays: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.
5. Sounds emitted from mandatory emergency devices shall not be regulated by this ordinance except that property line noise sources, stationary and mobile, and including those emitted from heavy equipment and trucks shall not be operated from 5:00 p.m. to 8:00 a.m.

E. Vibration Performance Standards

1. Vibration due to blasting shall be limited to a maximum resultant peak particle velocity in any plane at the site of a protected structure for the following:

Peak Particle Velocity (Inches/second)	F Frequency (Hz)
0.20	1 or less
0.75	1-12
0.80	13
0.90	14
1.00	15-100

2. In addition, the Planning Director may further limit such blasting vibration where, in his/her opinion, the density of population or other resources in the area warrants additional protection.
3. Blasting shall be restricted to the hours of 9:00 am to 5:00 pm. No blasting shall occur on Saturdays or Sundays.

F. Visual Impacts Mitigation Performance Standards

1. Adverse visual impacts due to the mining or processing activities shall be avoided or minimized through the following location and site design techniques:
 - a. Minimizing the area of disturbance due to the mining activity pursuant to a phasing program;
 - b. Minimizing excavation in visually sensitive areas;



- c. Avoiding location of structures, machinery and equipment storage and repair areas, utility lines, access roads, mined material stockpiles, and mine waste piles in visually sensitive areas;
- d. Locating, designing or screening excavated portions of the mine site, structures, machinery and equipment storage and repair areas, utility lines, access roads, material stockpiles and mine waste piles in a manner sensitive to the natural color, form and texture of the surrounding area; and,
- e. Earthen berms and landscaping shall be used to visually enhance sensitive areas along highways and state, county or federally designated scenic areas and areas visible from traditional communities and contemporary communities.

G. Lighting Performance Standards

1. The applicant shall comply with the Night Sky Protection Ordinance.

H. Blasting Performance Standards

1. All blasting shall be carried out in compliance with all applicable Federal and State standards and permitting requirements. Copies of all applicable permits shall be provided to the County at least 30 days prior to blasting.
2. The operator shall provide reasonable notice of the planned blasting schedule to the public in the area likely to be affected by blasting noise and vibration. The area of notice for blasting shall be the same as the notice for notice of the Special Use Permit.

I. Roads and Traffic Plans

1. The applicant shall submit a traffic route plan that illustrates all likely private and public roads that will be used by the operation to transport heavy equipment, supplies and mined materials within a ten mile radius of the property or to the nearest paved state or federal highway with a level of service equivalent to U.S. 84-285 and S.R. 68.
2. The amount of traffic generated by the mining and processing activity shall not cause public roads to operate at a level less than what can be met by current capacity and structural conditions, or cause deterioration to County roads as a result of the activity without just compensation to the County.
3. If it is determined by the County that the mining operation will increase the burden, or cause deterioration to any County road, the operator shall be required to undertake a pro-rata share of the cost of improvements or repairs to the County roads which are shown to be caused by the mining-related use. The Rio Arriba County Public Works Director will determine the pro-rata share.



J. Safety Signs and Markers

1. The mining operator shall provide perimeter and other on-site and off-site signs and markers advising the public of the mining activity and related hazards that may be present including but not limited to, warning of truck traffic, open pit hazards, open water hazards, operating equipment, blasting, stockpile and waste pile collapse.
2. The operator shall submit a signage plan that shows the number, type, size and location of signs and markers.
3. The signs required under this Section shall be:
 - a. posted and maintained by the entity who conducts the sand and gravel mining operations, and;
 - b. maintained during the conduct of all mining related activities;
 - c. posted at each point of access to the permit area from public roads and;
 - d. posted on the perimeter of a permit area before the beginning of mining operations.

Section 3.07 Reclamation Plans Performance Standards

- A. A reclamation plan is required for the mine site and associated disturbed areas, and for each phase of the mining operation. Reclamation is any activity taken to restore mined and disturbed lands to an approved post-mining land use. These activities may include; backfilling, grading, compacting, soil stabilization, reseeding, re-vegetation, and planting of nursery stock. A contemporaneous plan may be required if the BOCC determines the need for such a plan.

The plan will address issues of long-term soil and slope stability, water quality and water conservation, and compatibility with the surrounding environment and land uses. The BOCC will make reasonable allowances that recognize future land use and areas that cannot be practically re-vegetated because of slope, rock substrate conditions or other limiting factors. A reclamation plan shall consist of the following:

1. A determination of which parts of land shall be reclaimed. The operator, in consultation with the owner and the County, and subject to the approval of the County, shall determine which parts of the land shall be reclaimed;
2. A description of post-mining land use, including concurring documentation from the legal or equitable owner of record of the surface of the mining property;
3. A description of how reclamation is to be achieved;
4. An estimated timetable for each phase of the mining operation and contemporaneous reclamation activities;

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5. A description of the manner in which the plan is consistent with local physical, environmental and climatological conditions, both on-site and in the general area.

6. A plan for revegetation, including but not limited to descriptions of the quantities of each species of vegetation that will be used, time and method of planting, proposed seeding rates, use of fertilizer, mulching and supplemental irrigation;

B. Reclamation Performance Standards

1. All reclamation activities shall comply with applicable state and federal laws and regulations.
2. Disturbed areas shall be restored to standards set forth in the approved reclamation plan. These standards shall be measurable and verifiable.
3. Reclamation shall be conducted as contemporaneously as possible with the mining operations.
4. Reclamation shall result in the establishment of structurally stable slopes and soils through the use of compaction, the use of vegetation and/or engineered materials.
5. When backfilling pits is part of the reclamation plan, such backfilling or earthmoving operations shall be conducted so as to assure both stability of the materials and the protection of ground waters, such that adjacent properties are not damaged.
6. Any mine waste material piles will be stabilized and protected to ensure they do not degrade air, surface water and ground water quality.
7. In the revegetation portion of the approved reclamation plan, topsoil or other suitable rooting medium shall be replaced and the affected land shall be revegetated in such a way as to establish a diverse, effective, and long-lasting vegetative cover that is capable of re-seeding itself. Revegetation should be at least equal in extent of cover to that of the natural vegetation of the surrounding area. Native species shall comprise the largest proportion of the seed mixture.
8. Plants that die or are not established after a two year period shall be replaced. Revegetation shall be monitored for a minimum of three (3) years. The success of reseeded and revegetation shall be demonstrated by the operator and approved by the County. Success of revegetation shall be measured by techniques approved by the County or a professional expert. Measurements of foliar and basal cover shall be taken no sooner than the third year following planting. The vegetative cover (both foliar and basal) shall be deemed successful if these are 80% or greater within three years of planting, of the quantitative standard. If vegetative cover is not sufficient, additional efforts of revegetation shall be undertaken and additional

efforts of revegetation and additional measurements of revegetation success shall be conducted two years after each planting.

9. Upon cessation of mining, all buildings, structures, mining waste piles and other related items not necessary for environmental protection of the mine site, shall be removed, reclaimed or stabilized according to the approved reclamation plan.
10. If a new, post-mining land use is not established and implemented within six (6) months of a mine's closure, reseeding or planting of vegetation is required on all disturbed portions of the site. Such revegetation effort shall include both native and introduced species to insure stabilization of the mine site.

Section 3.08 Unmarked Human Burials

- A. According to state and federal law, any human burial in the state in any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition. All applicants shall comply with the requirements of NMSA 1978, and any amendments thereto, which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried or entombed or sepulchered in any unmarked burial ground except by permit issued by the state medical investigator or by the state cultural properties review committee with the concurrence of the state archaeologist and state historic preservation officer.

Section 3.09 Administrative Process for Mining Permit

- A. The process for making application for mining permit uses, hearings and administrative procedures is the process described in the Rio Arriba County land Use and Development ordinance for a Special Use Permit.
- B. If it is necessary for the County to hire a consultant to assist in the review of a mining application, said consultants fee shall be assessed to the applicant or developer.

ARTICLE IV STATUS OF USE

Section 4.01 Discontinued Uses, Nonconforming Uses

- A. Legal non-conforming uses shall be determined pursuant to Rio Arriba County Design and Development Regulation System
- B. For the purposes of this Ordinance "discontinued" means for an extraction site, no extraction or maintenance has occurred for more than 6 months and for an exploration site, no exploration has occurred by the operator for more than six (6) months.

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ARTICLE V ENFORCEMENT PENALTIES AND REVOCATION

Section 5.01 Revocation

- A. The Director may revoke, suspend or deny any County permit as provided in the Design and Development Regulation System, Ordinance 2012-001.

Section 5.01 Enforcement and Penalties

- A. In accordance with the State Statutes, the County shall have the power and the duty to enforce land use regulations for Sand and Gravel and Mining activities described herein pursuant to the process and procedures provided in the Design and Development Regulation System, Ordinance 2012-001.

ARTICLE VI SEVERABILITY

Section 6.01 Severability

- A. The provisions of this Ordinance are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the intent of the County that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, and if the person or circumstances to which this Ordinance or any part thereof are inapplicable has been specifically exempted therefrom.

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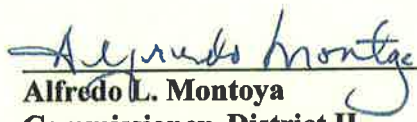


PASSED, ADOPTED, AND APPROVED THIS 4th DAY OF SEPTEMBER, 2012.
ORDINANCE NO. 2013-002 WILL BE EFFECTIVE 30 DAYS AFTER APPROVAL.

BOARD OF COUNTY COMMISSIONERS
RIO ARriba COUNTY, NEW MEXICO


Barney Trujillo, Chairman
Commissioner, District I




Alfredo L. Montoya
Commissioner, District II


Felipe D. Martinez
Commissioner, District III

ATTEST: 
Moises A. Morales, Jr. Rio Arriba County Clerk

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