

ATTACHMENT 1.B
CONDITIONS OF APPROVAL
CUP-28-92X/SMP-06-92X

APPROVAL OF THE SURFACE MINING PERMIT, CONDITIONAL USE PERMIT, AND RECLAMATION PLAN IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. Conditions of Approval:

1. Financial Assurances to ensure reclamation is performed in accordance with the approved reclamation plan shall be entered into with the County of Humboldt and the State Geologist per PRC Section 2773,1.
2. The applicant shall submit a "wet signed" statement naming the person or persons who accept responsibility for reclaiming the mined lands in accordance with the approved reclamation plan and PRC Section 2772.
3. The applicant shall comply with the requirements of the Department of Public Works as set forth in Memo dated October 10, 2008 by Robert W, Bronkall, Associate Engineer.

The applicant shall submit a letter to the Planning Division from the Department of Public Works stating that this condition has been addressed to their satisfaction as required prior to initiation of commercial quarry operations.

4. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
5. If applicable, pursuant to the California Code of Regulations Section 3697, the owner or operator of a newly-permitted operation shall submit an initial report and reporting fee to the Department of Conservation (DOC) after permit approval. The DOC has developed the New Mining Operation Report form; please contact DOC at (916) 323-9198 to obtain a form. The condition shall be satisfied by submitting to the County the completed yellow Lead Agency copy of the New Mining Operation Report form.
6. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Community Development Services Department.

7. Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,043.00, Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus the document handling fee, Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the \$1,993.00 fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required.
8. The project shall comply with the requirements of CHERT, the US Army Corps of Engineers, NOAA Fisheries, US Department of Fish and Wildlife, California Department of Fish and Game, North Coast Air Quality Management District, and other County, State and Federal agencies having jurisdiction, including CalOSHA and MSHA, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.
9. The project shall be consistent with the Streamside Management Area Ordinance and with the standards and policies set forth in the General Plan, *Sensitive and Critical Habitats*. Furthermore, no debris, soil, silt, or other such foreign substance shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.
10. The Reclamation Plan and Plan of Operations shall be revised to incorporate the recommendations set forth by the Department of Conservation per letter dated November 4, 2008 and as addressed in the DPW response letter dated January 15, 2009 and by the Department of Fish and Game per letter dated May 27, 2009 and as addressed by DPW per letter dated June 1, 2009.
11. The project shall be consistent with all mitigation measures as identified in the Negative Declaration and Subsequent Mitigated Negative Declaration.
12. The project shall be consistent with the requirements of the North Coast Unified Air Quality Management District, including the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations.

13. The Conditions of Approval for the 1993 approval shall remain in full force and effect except as specifically revised by the current approval.

B. Operation Restrictions:

1. The mining operator shall adhere to the approved reclamation plan and mitigation monitoring program, as applied to the mining extraction site proper, and other support and ancillary uses and facilities (i.e., stockpiles, and the maintenance of access road drainage culverts). This shall include the operations included herein setting forth routine (i.e., non-emergency) days and hours of operations. The reclamation plan shall be reviewed annually by the operator and county staff to assure that any required reclamation is completed and is in compliance with the approved reclamation plan. Any substantial changes to the reclamation plan, including changes necessitated or required by changes in the environment, may require review by the Division of Mines and Geology, Reclamation Program, and approval by the County.
2. The applicants/operators shall abide at all times with the Humboldt County Surface Mining Regulations, and any revisions thereto, and the State Surface Mining and Reclamation Act, and any revisions thereto.
3. The terms of the Conditional Use/Surface Mining Permit and Reclamation Plan shall be fifteen (15) years and shall expire August 25, 2023. The applicant may renew the use permit and/or reclamation plan by submitting prior to expiration appropriate forms and fees in effect at the time of renewal.
4. The operator shall be responsible for submitting to the State Geologist, on forms provided by the State Geologist, an annual report per PRC Section 2207.
5. Hauling along public roads shall be limited to "legal loads" only. "Overweight loads" must have prior approval from the Department of Public Works and/or CalTrans.
6. Any and all portable toilet facilities shall be adequately maintained by a licensed septic tank pumper to the satisfaction of the County Department of Environmental Health.

7. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads.
8. The operator shall incorporate Best Management Practices and shall maintain erosion control and sedimentation measures as described in the Reclamation Plan and amendments thereto and as required by regulating agencies.
9. No new access roads shall be constructed without prior approvals.
10. No riparian vegetation shall be removed without prior approvals.
11. Hours of Operations shall typically be Monday through Friday during daylight hours, generally 8:00 am to 4:30 pm; however, occasionally start-up may occur as early as 6:30 am for specific jobs. These hours do not apply to emergency road repair situations. Extraction activities will be conducted between June 15 and October 15 to avoid impacts to anadromous fish that may be in the river. Any substantial changes to the months of operations or hours of operation shall be preapproved by the Planning Department.
12. The terms of the Conditional Use/Surface Mining Permit and Reclamation Plan shall be fifteen (15) years and shall expire August 25, 2023. The applicant may renew the use permit and/or reclamation plan by submitting prior to expiration appropriate forms and fees in effect at the time of renewal.
13. Operational noise levels and particulate settlement patterns shall be consistent with County standards and requirements of regulating agencies, and shall be measured by the operator upon demand by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt County Code.
14. The applicants shall secure and abide by all permits and agreements necessary for gravel operations.

C. Informational Notes:

1. Surface mining operations are regulated by various different state and federal agencies. Each of these agencies is responsible for regulating a specific aspect of the mining operation. For example, the Department of Fish and Game is responsible for

assuring that fish and wildlife resources are not negatively impacted by a surface mining operation; the Army Corps of Engineers is responsible for regulating discharges into navigable waters of the United States; the Regional Water Control Board oversees waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by mining operations, and; the State Lands Commission regulates activities on lands within the public trust. Other agencies which may have jurisdiction over a surface mining operation include but are not limited to, California Department of Conservation, Division of Mines & Geology; North Coast Unified Air Quality Management District; California Coastal Commission; National Marine Fisheries; United States Fish & Wildlife Service; and CalOSHA.

The operator is responsible for contacting all of the above regulating agencies to assure conformance by the surface mining operation with these agencies regulations.

2. The Financial Assurance shall be subject to annual review and adjustments to account for: a) changes in the costs of reclamation due to inflation; b) lands reclaimed in the previous year and not involving future reclamation; and c) additional lands requiring reclamation in the next year.
3. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.
4. A National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity is required unless the applicant demonstrates that there is no storm water runoff from the quarry site. If there are such discharges the applicant shall contact the Regional Water Quality Control Board for permitting requirements.
5. If the project involves the storage and handling of hazardous materials, the applicant shall submit and have approved by the Division of Environmental Health (DEH) a hazardous materials business plan and comply with the conditions of DEH.