

Attachment 1  
RECOMMENDED CONDITIONS OF APPROVAL

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

**A. General Conditions**

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 3, 2007 and May 12, 2008. 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. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Community Development Services Department.
6. The project shall comply with the requirements of 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, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.
7. The project shall comply with the requirements of the California Department of Fish and Game per email dated September 8, 2008: Pursuant to Section 1600 (Lake and Streambed Alteration Agreement), the applicant shall notify DF&G for culvert replacement.
8. 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. Furthermore, the established corridor of riparian vegetation along the unnamed creek which borders the northern and western boundaries of the project site, outside of the quarry limits, shall remain and be protected.

9. The project shall comply with the requirements of the North Coast Unified Air Quality Management District and shall incorporate the measures identified in the Dust Mitigation Plan for Naturally Occurring Asbestos dated April 24, 2006 and prepared by LACO Associates and as approved by NCUAQMD.

#### **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 follows 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 always abide 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 this conditional use permit and reclamation plan shall be the fifteen (15) years from the effective date. The applicant may renew the use permit and/or reclamation plan by submitting 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. 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 maintain a berm and other erosion control and sedimentation measures as described in the Reclamation Plan and supplemental thereto.
9. The floor of the working and staging areas shall slope a minimum of 2% into the working face to contain runoff water on site.
10. No new access roads shall be constructed without prior approvals.
11. No riparian vegetation shall be removed without prior approvals.
12. Hours of Operations shall typically be Monday through Friday during daylight hours, generally 6:00 am to 6:00 pm; with blasting from 8:00 am to 5:00 pm. These hours do not apply to emergency road repair situations. Any substantial changes to the hours of operation shall be pre- approved by the Planning Department.
13. Wet weather operations shall be consistent with the Storm Water Pollution Prevention Plan. No equipment shall be allowed on winterized portions of the site during wet conditions to the satisfaction of the California Department of Fish and Game.
14. Blasting, if applicable, shall be restricted between the hours 8:00 am to 5:00 pm, Monday through Friday, with no blasting on Saturday. The applicant shall be responsible for providing 24-hour advance notice of any blasting to all interested parties who have previously requested, in writing, such advance notice.
15. The terms of the Conditional Use Permit/Surface Mining Permit shall be fifteen (15) years from the effective date. The applicant may renew the use permit by submitting appropriate documents and fees prior to the expiration date.
16. Operational noise levels and particulate settlement patterns shall be measured by the applicant on demand by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt County Code.
17. The project shall comply with the requirements of 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, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.

**C. Informational Notes:**

Surface mining operations are regulated by various 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 Cal/OSHA. The operator is responsible for contacting all of the above regulating agencies to assure conformance by the surface mining operation with these agencies' regulations.

1. 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.
2. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.
3. 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.
4. 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.