

ATTACHMENT 1

Conditions of Approval

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 Department of Conservation 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 November 18, 2010.
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 term of this reclamation plan shall be fifteen (15) years and shall expire August 22, 2040.** The applicant may request renewal of the reclamation plan by submitting appropriate forms and fees in effect at the time of renewal.
7. 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.
8. The applicant shall record a *Notice of Reclamation Plan Approval* for the approved reclamation plan at the Humboldt County Recorder's Office in accordance and PRC Section 2772.7.
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 applicant shall comply with the requirements of the Department of Fish & Game, including the LSAA and amendments thereto, for the McKnight Gravel Bar.

13. The application shall comply with all mitigation and monitoring requirements of the Conditional Negative Declaration for the McKnight Gravel Bar.
14. The project shall be subject to the County Adaptive Management Program for instream gravel extraction, including annual review of extraction methods and quantities by the County Extraction Review Team (CHERT).
15. All new and existing exterior lighting shall be low -wattage and downcast shielded such that no glare will be directed beyond the bounds of the property.
16. Operations shall be consistent with the approved Project Description, Mining Plan/Plan of Operations and Reclamation Plan as revised per OMR comments and Response to Comments dated March 3, 2011, and shall be consistent with the requirements of responsible agencies.

B. Informational Notes:

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). 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 riverine environment, may require review by the Office of Mine Reclamation 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 operator shall be responsible for submitting to the Office of Mine Reclamation, on forms provided by the Office of Mine Reclamation, an annual report per PRC Section 2207.
4. No new access roads shall be constructed without prior approvals.
5. No riparian vegetation shall be removed without prior approvals.
6. 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, Office of Mine Reclamation; North Coast Unified Air Quality Management District; California Coastal Commission; National Marine Fisheries Service; United States Fish and 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.
7. 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.
8. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.

9. 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 processing site. If there are such discharges the applicant shall contact the Regional Water Quality Control Board for permitting requirements.
10. 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.
11. Hauling along public roads shall be limited to "legal roads" only. "Overweight loads" must have prior approval from the Department of Public Works or CalTrans.
12. 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.
13. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads. The existing access road shall be graded and rocked as necessary to prevent erosion and sediment runoff.
14. Hours of Operations shall typically be Monday through Friday during daylight hours, generally 7:30 am to 4:30 pm when extraction seasons are shortened due to process delay or when habitat improvement excavations are in need of completion. These hours do not apply to emergency road repair situations. Any Saturday operations or substantial changes to the hours of operation shall be pre-approved by the Planning Department.
15. Operational noise levels and particulate settlement patterns shall be measured by the applicant on demand and by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt County Code.
16. The project shall be consistent with the Conditional Use and Surface Mining Permits, Reclamation Plan and Conditional Negative Declaration as approved by the Planning Commission. Modification to the project requires review and approval by the Planning Department.
17. If buried archaeological or historical resources are encountered during tree removal activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.
18. Operations shall be consistent with the approved Project Description, Mining Plan/Plan of Operations and Reclamation Plan as revised per OMR comments and Response to Comments dated March 3, 2011, and shall be consistent with the requirements of responsible agencies.