

**ATTACHMENT 1A**  
**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 reimburse the Planning Division for any processing costs that exceed the application deposit.
4. 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.
5. **The term of this conditional use permit, surface mining permit and reclamation plan shall be fifteen (15) years and shall expire on August 21, 2040.** The applicant may request renewal of the permits and reclamation plan by submitting appropriate forms and fees prior to expiration in effect at the time of renewal.
6. The project shall comply with the requirements of the California Department of Fish and Wildlife 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 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.

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.
9. The project shall be consistent with all mitigation measures as identified in the Mitigated Negative Declaration and Subsequent Mitigated Negative Declaration.

**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. If cultural resources are encountered during construction, the contractor on site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine

appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

**The applicant is responsible for ensuring compliance with this condition.**

3. 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.
4. The operator shall be responsible for submitting to the State Department of Conservation, on forms provided by the State Department of Conservation, 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 maintain erosion control and sedimentation measures as described in the Reclamation Plan and Addendum to 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 preapproved 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 Wildlife.

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. 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.
16. The project shall comply with the requirements of the California Department of Fish and Wildlife, 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.
17. The project shall be consistent with the Project Description, Site Plan, Plan of Operations, Reclamation Plan and Mitigation Measures as approved by the Zoning Administrator. Modification to the project requires review and approval by the Planning Department.

**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 Wildlife 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.
6. If cultural resources are encountered during construction, the contractor on site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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