

Attachment 2A

CONDITIONS OF APPROVAL

APPROVAL OF THE RECLAMATION PLAN RENEWAL IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. Conditions of Approval:

1. **Ther term of this reclamation plan shall be fifteen (15) years and shall expire July 29, 2037.** The applicant may request renewal of the reclamation plan by submitting appropriate forms and fees in effect at the time of renewal.
2. 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.
3. 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.
4. The applicant shall abide by all of the mitigation measures contained in the adopted Mitigated Negative Declaration.
5. 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.

SMARA(Section 2772(8)(B) and Section 3710) specifies minimum reclamation standards that apply to annual operations of in-stream mining. The County of Humboldt Extraction Review Team (CHERT) process is utilized to verify that annual operations are consistent with reclamation plan standards. Operations are subject to annual review and approval of mining plans, along with the preparation of pre- and post-extraction reports, to ensure continued compliance with SMARA reclamation plan standards.

6. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to

cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

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 Limitations on Operations included herein setting forth routine (i.e., non-emergency) days and hours of operations. Any substantial changes to the reclamation plan, including changes necessitated or required by changes in the riverine environment, may require review by the Division of Mines & 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.
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. Hours of operation shall typically be Monday through Friday during daylight hours, generally 7:00 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.

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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. The project shall be consistent with the Vested Rights Determination, Reclamation Plan and Mitigation Measures as approved by the Planning Commission. Modification to the project requires review and approval by the Planning Department