



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING SERVICES
DIVISION

Paul Thompson
Deputy Director of Planning

HEARING DATE: March 28, 2013
TIME: 10:05 a.m.
ITEM NO.: 1

TO: Placer County Planning Commission

FROM: Development Review Committee

**SUBJECT: EXTENSION OF TIME – CONDITIONAL USE PERMIT/VARIANCE
(PCUP 2781, VAA 3806), TEICHERT AGGREGATE FACILITY
ADDENDUM TO A CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT**

GENERAL PLAN DESIGNATION: Agricultural/Timberland, 20-acre minimum

ZONING: F-B-X-MR-SP 20-acre minimum (Farm, combining minimum Building Site of 20 acres, combining Mineral Reserve, combining Special Purpose)

STAFF PLANNER: Lisa Carnahan, Associate Planner

LOCATION: The subject property is located west of Gladding Road, east of Highway 65, south of Riosa Road, north of Chamberlain Road, and approximately four miles north of Lincoln. Assessor's Parcel Numbers: 020-130-008, 16-18, 22; 020-141-003, 4; 020-150-012, 45, 64-67, 70-75.

APPLICANT: Teichert, Inc.

PROPOSAL: The applicant requests approval of a one-year Extension of Time for a Conditional Use Permit and Variance associated with the previously-approved Teichert Aggregate Facility in Lincoln, a surface mining and reclamation project.

CEQA COMPLIANCE:

On November 12, 2002, the Planning Commission certified the Final Environmental Impact Report (FEIR) for the Teichert facility and the FEIR was re-certified by the Board of Supervisors on February 4, 2003. Consistent with the requirements of California Environmental Quality Act ("CEQA") Guidelines Section 15162, the County must determine whether the proposed extension of time for the Conditional Use Permit and Variance result in any changed circumstances or "new information of substantial importance" that trigger the need for a subsequent EIR. Under that section, when an EIR has been certified for a project, no

subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If any of the triggers set forth above occurs, the County would be required to prepare a Subsequent EIR, unless "only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation," in which case a "supplement to an EIR" would suffice (see CEQA Guidelines, § 15163). If there are no grounds for either a subsequent EIR or a supplement to an EIR, then the County would be required to prepare an Addendum pursuant to CEQA Guidelines section 15164, explaining why "some changes or additions" are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

For this project, the Addendum serves to document the fiscal updates and updated language to conditions of approval. No changes have occurred in the project or to existing circumstances that would warrant additional environmental analysis for the Extension of Time request. As a result, staff has determined that an Addendum to the certified FEIR is the appropriate document under CEQA.

The Planning Commission is required to make a finding to this effect, as provided in the staff report. The Addendum to the certified FEIR is affixed to this report as Attachment B.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff, including the Engineering and Surveying Division, Public Works, Environmental Health, as well as the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report.

PROJECT DESCRIPTION: The applicant requests approval of a one-year Extension of Time for the previously-approved Conditional Use Permit (CUP) and Variance for the Teichert Aggregate Facility in Lincoln, a surface mining and reclamation project.

At present, the subject property is predominately used for agricultural purposes. The terrain consists of a broad floodplain on Coon Creek that is irrigated for agricultural production, the Coon Creek riparian corridor, and gently rolling hills. The site has been used for agricultural production for well over 100 years. The proposed project would introduce a number of new activities while maintaining agricultural operations. The production related activities include mining operations (aggregate and hard rock), material processing, concrete and asphalt production, product distribution and hauling and operations and maintenance. Other activities onsite include ongoing agricultural production (dry and irrigated pasture and fruit production), restoration of the Coon Creek corridor, wetland creation and site maintenance. Although not a part of the CUP project description, the Development Agreement calls for the establishment of a Coon Creek Conservancy that may include future environmental education facilities.

The key elements of the project description related to mining operations include the following:

General Facts

- Location – Approximately 4 miles north of the City of Lincoln (See Attachment C)
- Size – 3,455 acres
- Total Mining area – Approximately 709 acres
- Plant site – Approximately 76 acres
- Total Amount of Material Removed – 37 million tons of sand and gravel and 34 million tons of granite resources
- Proposed Duration of Mining – 40 years
- Proposed Duration of Processing – 42 years

Requested Entitlements for the Extension of Time

1. Conditional Use Permit – authorizing the mining, and processing
2. Variance – to exceed maximum building height for the Farm Zone and structural setbacks from Coon Creek

Sand and Gravel Operation – The sand and gravel operation would occur south of Coon Creek on approximately 660 acres and would yield 37 million tons of material.

- Years of Operation – approximately 40 years
- Number of Phases - 9
- Average Size of Each Phase – 75 acres
- Average Depth of a phase – 45 feet (distances will range between 25-70 feet)
- Average term for each phase – 3-5 years

Hard Rock Mining Operation – A total of 143.6 acres would be mined south of the creek and would yield 34 million tons of granite resources.

- Years of Operation –35-40 years
- Number of Phases – 1 phase south of Coon Creek
- Depth of the phase – 150 feet

Aggregate Processing and Delivery

- Permanent plant site size – 76 acres
- Maximum height of stockpiles – 65 feet (average 35 feet)
- Average number of tons crushed/washed per hour – 1200 tons
- Height of rock plant facility – 80 feet
- Average number of haul trips per day at 2022 - 518

Concrete Ready Mix Processing and Delivery

- Average volume produced per hour – 200 cubic yards of concrete
- Average number of haul trips per day at 2022 - 66

Asphalt Hot Mix Processing and Delivery

- Maximum tons produced per hour – 500 tons of asphalt products
- Average number of haul trips per day in the year 2022 - 81

Project Phasing – A number of the project elements are implemented over a series of phases. These elements include the construction of the plant site in 2 phases, the sand and gravel operation in 9 phases, the granite mining in 1 phase and the reclamation activities occurring concurrent with and following the various mining phases.

Initial Operations – The project is initiated with the establishment of a temporary plant site for aggregate processing and asphalt production. The temporary plant site will be operated for 2-3 years at the 76-acre permanent plant site location. Mining of the aggregate material in the Coon Creek floodplain would commence immediately upon completion of the temporary plant. The final design of the permanent plant will occur after the temporary plant site is constructed and operations have commenced.

Aggregate Mining Phases – During the operation of the portable plant site, the permanent plant site will be constructed. Construction will occur simultaneously with processing operations at the temporary plant and with the removal of aggregate in Phase 1. Subsequent phases of aggregate will be removed and delivered for processing at the permanent plant site in year 2 or 3.

BACKGROUND: On November 12, 2002, the Planning Commission voted unanimously to approve the CUP, reclamation plan and Variance applications for the Teichert Aggregate Facility, certify the FEIR, and support a recommendation to the Board of Supervisors on the proposed Rezoning, the Development Agreement and the Williamson Act compatibility findings. A third-party Appeal was filed on the Planning Commission actions. On February 4, 2003, the Teichert Aggregate Facility project (Project) in its entirety was approved by the Board of Supervisors. Due to subsequent litigation, the Project was delayed for nearly four years. The entitlements were tolled during the litigation, from March 13, 2003 through January 27, 2007, resulting in an expiration date of December 21, 2008 for the entitlements.

On August 28, 2008, the Planning Commission approved a two-year extension of time for the Conditional Use Permit and Variance, which extended the expiration date to December 21, 2010.

On October 19, 2008, the Placer County Board of Supervisors adopted Ordinance 5624-B, which extended the time period for exercising all then valid County permits and Variances that were not associated with subdivision maps. As a result, the expiration date for the Teichert project was extended to December 21, 2012. Prior to the deadline, Teichert applied for a second extension of time, as allowed by County code.

No modifications to the Project are proposed for the Extension of Time. The only changes in the Conditions of Approval are fiscal updates for inflation factors and updates to condition of approval language in order to clarify the intent of the condition.

SITE CHARACTERISTICS: The site is bordered mainly by agricultural and vacant lands, as well as some single-family parcels to the north, and Manzanita Cemetery to the south. The site is an active cattle ranch, and has relatively flat to gently rolling terrain. Most of the level land is adjacent to Coon Creek, which transverses the property from the northeast to southwest. The land near Coon Creek is mainly utilized for permanent pasture, hayfield, or livestock food crops, with the remainder of the property being primarily used as rangeland. Teichert has planted both plum and olive orchards, as well as constructed vernal pools. They have also completed a significant amount of the required viewshed plantings.

EXISTING LAND USE AND ZONING:

	<u>LAND USE</u>	<u>ZONING</u>
SITE	Cattle Ranch/Farmland	F-B-X-MR-SP-20 acre minimum
NORTH	Agricultural/Vernal Pool Preservation	F-B-X-20 acre minimum
SOUTH	Agricultural/Cemetery	F-B-X-20 acre minimum
EAST	Agricultural	F-B-X-20 acre minimum
WEST	Agricultural	F-B-X-20 acre minimum/F-B-X-80 acre minimum

DISCUSSION OF ISSUES:

Extension of Time

During the time spent in litigation, the economic prosperity of the previous time period turned into an economic downturn within the construction industry. The economic slowdown resulted in a sharp decline in the regional demand for aggregate, and the demand for aggregate has not

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improved since Teichert was granted its first two-year Extension of Time. For this reason, Teichert is requesting an additional one-year extension of time. Placer County Zoning Ordinance, Section 17.58.160 (C), allows the granting authority to extend use permits for a total of three years, provided the applicants file for an extension prior to their expiration date, no changes have occurred that would have been grounds for denying the original application, the applicant has been diligent in pursuing implementation of the permit, and modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements.

Since the litigation concluded on January 27, 2007, Teichert has diligently continued to pursue implementation of the Conditions of Approval for the Project. Four different sections of project Improvement Plans (Nader Road, Haul Road, Plant Site and Bridge Construction) have been through seven reviews, and most of the Improvement Plans are nearly ready for approval, pending completion of any applicable Conditions of Approval. Teichert has completed the majority of their viewshed management plantings, including compensatory agricultural mitigation plantings as well as native and temporary ornamental viewsheds, and have constructed vernal pools as a part of their mitigation. They are also working with the United States Army Corps of Engineers to secure a Federal 404 permit for the proposed bridge construction over Coon Creek and for other incidental wetland fills which will result from the Project.

Since Teichert has met all of the requirements to qualify for another Extension of Time, staff supports a one-year Extension of Time to receive approval of Improvement Plans, construct the required improvements, and exercise the Conditional Use Permit.

Municipal Advisory Committee Recommendations

This Extension of Time request was presented as an action item before the Sheridan Municipal Advisory Council on February 13, 2013, and before the Rural Lincoln Municipal Advisory Council on February 25, 2013. Both Municipal Advisory Councils unanimously voted to forward a recommendation of approval to the Planning Commission.

RECOMMENDATION:

The Development Review Committee recommends the Planning Commission adopt the Addendum to the Certified Final Environmental Impact and approve a one-year Extension of Time for the Teichert Aggregate Facility Conditional Use Permit (CUP 2781), and Variance (VAA 3806) ("Project") subject to the following findings and attached modified conditions.

FINDINGS:

CEQA:

1. The Addendum to the Certified Final Environmental Impact for the Teichert Aggregate Facility Conditional Use Permit (CUP 2781), and Variance (VAA 3806) ("Teichert FEIR") has been prepared in compliance with CEQA Guidelines section 15164.
2. Pursuant to Public Resources Code section 21166 and CEQA Guidelines Section 15162, the Planning Commission finds no grounds to require a subsequent or supplemental EIR be prepared because:

- A. Only minor changes (fiscal updates and clarifications) are being proposed to the Project from the manner in which it was originally reviewed and approved.
- B. No changes have occurred with respect to the circumstances under which the Project is being undertaken since the environmental analysis was performed and the Teichert FEIR was certified for the Project.
- C. No new information has been presented that was not known and could not have been known at the time the environmental analysis was performed and the Teichert FEIR was certified for the Project.
- D. The Placer County Planning Commission finds that the Teichert FEIR previously certified by the Board of Supervisors on February 4, 2003 (PLUS # 2781) and this FEIR Addendum prepared for the Teichert Aggregate Facility in Lincoln have been considered before the approval of said Project. Together, these documents are determined to be adequate to serve as the environmental documentation for this Project and satisfy all requirements of CEQA.

CONDITIONAL USE PERMIT/VARIANCE:

Having considered the staff report, supporting documents and public testimony, the Planning Commission hereby finds that:

1. An extension of the expiration date for the Conditional Use Permit and Variance (CUP 2781 and VAA 3806) is consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and will not be detrimental to the orderly development of the County or to the general public health, safety or welfare.
2. To the extent applicable and necessary, the Conditions of Approval for the Teichert Aggregate Facility have been modified to reflect current standards and ordinance requirements.
3. The applicant has been diligent in pursuing implementation of the Project by undertaking reasonable efforts to satisfy the Conditions of Approval by submitting Improvement Plans, filing for their United States Army Corps of Engineers 404 permit, completing the majority of the viewshed plantings, and constructing vernal pool preservation areas.

Respectfully submitted,



Lisa Carnahan
Associate Planner

ATTACHMENTS:

- Attachment A - Modified Conditions of Approval
- Attachment B - Addendum to FEIR

Attachment C - Vicinity Map
Attachment D – Mining and Processing Plan
Attachment E – Reclamation Plan
Attachment F - Engineering and Surveying memo dated January 29, 2013
Attachment G – Environmental Health memo dated December 27, 2012
Attachment H – PCTPA memo dated February 8, 2013

cc: Troy Reimche, Teichert Inc. - Applicant
Sarah Gillmore - Engineering and Surveying Department
Laura Rath - Environmental Health Services
Karin Schwab – County Counsel
John Ramirez – Parks
Michael Johnson – CDRA/Planning Director
Loren Clark – Deputy Planning Director
Allison Carlos – CEO Office
Angel Green - APCD
David Melko, PCTPA



**RECOMMENDED CONDITIONS OF APPROVAL -
CONDITIONAL USE PERMIT/VARIANCE - "TEICHERT
AGGREGATE FACILITY" (CUP-2781/VAA-3806)**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

This Conditional Use Permit (CUP) authorizes the owner/operator (hereafter referred to as "the operator") to operate a sand, gravel and granite extraction and processing operation on lands designated on Exhibit B. This CUP authorizes those activities and operations described in the project's FEIR as the Mitigated Design Alternative (Alternative 2) and CUP supplemental entitlement detail form dated January 31, 2002 (Exhibit A) and as further described below.

On August 28, 2008, the Planning Commission took action to approve a two-year Extension of Time for the Conditional Use Permit and Variance. Condition 199 has been added and Condition 200 has been modified.

On October 19, 2008, the Placer County Board of Supervisors adopted Ordinance 5624-B, which extended the time period for exercising all then valid County permits and variances that were not associated with subdivision maps. As a result, the expiration date for the Teichert project was extended to December 21, 2012.

On March 28, 2013, the Planning Commission took action to approve a one-year Extension of Time for the Conditional Use Permit and Variance. Conditions 74, 75, 195, 198 and 200 have been modified.

PROJECT DESCRIPTION

1. This conditional use permit authorizes the following activities subject to the conditions, mitigation measures and standards described below:

- A. **Duration** – This CUP authorizes mineral extraction activities for a period not to exceed 40 years. Processing activities are approved for 42 years. Reclamation activities are authorized to be initiated concurrent with mining activities and shall cease once all reclamation work has been completed and financial assurances have been released back to the operator.

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ATTACHMENT A

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- B. Materials to be removed** – This CUP authorizes the removal of alluvial sands and gravels and hard rock (granitic bedrock material) as depicted on Exhibit B and as further described in Figures 20-4 to 20-14 of the FEIR (except the phasing shall be as described below). No mining may occur outside of the boundaries of these mining areas. The vertical and horizontal excavation shall occur as depicted in the above-described figures. Approximately 37 million tons of sand and gravel and 34 million tons of processed granitic bedrock will be removed from the site.
- C. Mine Phasing** – The site will be mined in a series of phases over the duration of the project. Granite mining will occur in a single phase lasting the duration of the project. The aggregate material may be mined concurrently with the single hardrock mining phase.
- 1. Alluvial material** - The alluvial materials are to be removed in 9 phases between 49 and 93 acres per phase (See Exhibit B). The average mining depth would be 45 feet with excavation ranging between 25-70 feet. An average of 20 acres per year would be mined at the site with no single year including more than 35 acres of mining (the 35 acre limitation does not include overburden removal or reclamation activities). Mining will occur in a series of phases as depicted on Exhibit B.
 - 2. Granite** – Granitic materials are to be removed in a single phase equivalent to the approval period for the project (Exhibit B). The mining area is approximately 144 acres in size south of Coon Creek. Mining would begin at the southern end of the granite phase. The average depth of excavation is 150 feet below existing grade.
- D. Methods of removal** – The alluvial sands and gravels shall be removed by scrapers and loaders and conveyed to processing areas via electric belt conveyor. Granitic materials shall be removed in the following sequence: drilling, blasting, crushing via primary crusher located within the granite mine area, and loading by loader/shovel/excavator and then conveying to the processing areas via belt conveyor.
- E. Permanent Plant Site Facilities** – The permanent plant site shall be located on a 76-acre area west of Coon Creek as depicted in the project FEIR (Figure 2-31). The permanent plant site shall include the following components. No structure shall exceed the maximum height described herein (See VAA-3806):
1. Feed hopper – 50 feet
 2. Conveyor equipment at plant 80 feet
 3. Field Conveyor – 25 feet
 4. Processing plant (crushing, washing and screening) – 80 feet

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5. Concrete batch plant – 80 feet
6. Asphalt batch plant – 80 feet
7. Office and scale house – 30 feet
8. Sand/gravel stockpiles (See below)
9. Water recycling ponds – N/A
10. Maintenance building/yard – 30 feet

- F. Portable Plant** - A temporary and portable plant may be constructed and operated on the 76-acre permanent plant site. The portable plant is to be limited to the processing of aggregate base and mineral aggregate materials. Once the permanent plant is constructed and operational any unused portion of the portable plant is to be removed within 90 days.
- G. Truck Transport** – Truck transport for material delivery to the site and transport of products from the site shall be limited to a single ingress/egress point at Nader Road and S.R. 65. Passenger vehicles including pick-up trucks and farm equipment may utilize other roads on the site and reach other portions of the site via Gladding Road, Riosa Road and Manzanita Road.
- H. Non-Mining Permitted Uses** – Consistent with the Farm Zone District of the Zoning Ordinance a number of activities are authorized including, but not limited to the following:
1. **Farming** – grazing on dry or irrigated pasture, orchard production, vineyard production and other similar production. Facilities associated with the operations and/or processing shall be subject to the requirements of the Farm Zone District.
 2. **Residential** – A total of 8 existing residential dwellings may be occupied to house workers for the following: security for the mining areas, housing for agricultural workers and site manager.
 3. **Habitat Conservation** – Habitat restoration, enhancement or creation activities for Coon Creek riparian and aquatic habitats, vernal pool grasslands and valley oak woodlands.
- I. Hours of operation:**
1. **Sand/gravel extraction** – M-F from 6:00 a.m. to 10:00 p.m. and Sat-Sun a maximum of 15 weekends per year from 8:00 a.m. to 9:00 p.m. No mining shall occur on federal holidays.
 2. **Granitic material extraction** – M-F from 6:00 a.m. to 10:00 p.m. and Sat-Sun a maximum of 15 weekends per year from 8:00 a.m. to 9:00 p.m. No mining shall occur on federal holidays.

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3. **Blasting** – A maximum of 6 events per month. The blast time shall be limited to the hours of 10:00 a.m. to 4:30 p.m. M-F. The duration of the blast shall not exceed 15 seconds. No blasting shall occur on Saturdays, Sundays, or County, state or federal holidays.
4. **Rock plant processing (rock crushing/washing)** – M-F from 6:00 a.m. to 10:00 p.m. and Sat.-Sun. a maximum of 15 weekends per year from 8:00 a.m. to 9:00 p.m. No processing shall occur on federal holidays.
5. **Ready-mix** - 1) 6:00 a.m. to 10:00 p.m. weekdays and Sat-Sun a maximum of 15 weekends per year from 8:00 a.m. to 9:00 p.m. and 2) 24 hours per day, 7 days per week for a maximum of 60 days per year. No ready-mix operations shall occur on federal holidays.
6. **Asphalt plant operations** – 1) 6:00 a.m. to 10:00 p.m. weekdays and Sat-Sun a maximum of 15 weekends per year from 8:00 a.m. to 9:00 p.m. and 2) 24 hours per day, 7 days per week for a maximum of 60 days per year. No processing shall occur on federal holidays.
7. **Material loadout** – 1) 6:00 a.m. to 10:00 p.m. weekdays and Sat-Sun a maximum of 15 weekends per year from 8:00 a.m. to 9:00 p.m. and 2) 24 hours per day, 7 days per week for a maximum of 60) days per year. No material loadout shall occur on federal holidays.
8. **Maintenance work on plants and equipment** – 24 hours a day M-F and 8:00 a.m. to 9:00 p.m. on weekends.
9. **Dewatering of the mining areas** – 24 hours per day, 7 days per week
10. **Extended Hours** – The hours and days of operation for the ready-mix, asphalt plant and material loadout operations may be extended beyond the times set forth above in the event the operator is obligated by contract to provide ready-mix, asphalt or materials to construction projects or contractors at times other than those set forth above. Such extended operations shall take place only to the extent that is necessary to satisfy those contractual obligations. However, in no case may loadout operations occur on federal holidays.
11. **Declared Emergency** – The Director of Planning may waive all of the operational limitations described above when there is a local, state or federally-declared emergency (e.g., flood prevention and earthquake repair) and material from the site is required to reduce impacts associated with the emergency condition.

J. Products for Sale - The following products may be produced and distributed from this site:

1. Aggregate products – such as aggregate base, mineral aggregate, concrete/asphalt aggregate and sands, sand, riprap, pipe bedding, and railroad ballast
2. Concrete ready-mix

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3. Asphaltic concrete – such as fiber blend asphalt, recycled asphalt, lime-marinated asphalt and cutback. No rubberized asphalt is permitted.
4. Recycling pond silts and clay fines for soil amendments
5. Overburden material including decomposed granite
6. Other materials removed from mining operations, as approved by the DRC. Prior to the sale of any material not listed above, the operator shall obtain an approval, in writing, from the DRC.

K. Processing and distribution - The following processing and distribution activities, as described in the FEIR as the Mitigated Design Alternative (Alternative 2) and supplemental entitlement detail form for the CUP (See Exhibit A), are authorized onsite:

1. Primary crusher
2. Drilling and blasting
3. Dewatering
4. Rock crushing, washing screening and stockpiling
5. The recycling of water used in the processing operations
6. Concrete ready-mix batch plant
7. Asphalt batch plant
8. Loadout of finished products
9. Vehicle weighing
10. Material transport by conveyor from excavation areas
11. Material transport by conveyor for stockpile of processed and unprocessed materials
12. Other activities associated with processing and distribution of products listed in 1J above. For activities not listed above or as described in the FEIR as the Mitigated Design Alternative (Alternative 2) and supplemental entitlement detail form for the CUP (See Exhibit A), the operator shall obtain written approval of the DRC, prior to the initiation of the activity.

L. Sand and Gravel Storage – The operator is authorized to stockpile a number materials onsite associated with mining, processing and storage of finished products. Sand and gravel stockpiles shall be limited to the 76-acre plant site except for working piles in the mining pits. The following is a description of those materials that may be stored onsite and any limitations associated with their storage:

1. Temporary storage of heavy sands for offsite gold recovery operations – Maximum height of stockpiles – 25 feet.
2. Rock plant storage of pre-processed materials prior to processing – maximum height of stockpiles – 50% at 65 feet and the remainder at 45 feet or less
3. Rock plant storage of processed materials prior to loadout – maximum height of stockpiles – 50% at 65 feet and the remainder at 45 feet or less

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4. Ready-mix sand and aggregate – maximum height of stockpiles – 50% at 65 feet and the remainder at 45 feet or less
5. Asphalt batch plant sand and aggregate – maximum height of stockpiles – 50% at 65 feet and the remainder at 45 feet or less
6. Reject Piles – 50% at 65 feet and the remainder at 45 feet or less
7. Recycling ponds – silts and sands removed from the settling basins – 50% at 65 feet and the remainder at 45 feet or less.
8. Prime soil stockpiles – 40-foot height maximum. Prime soils may not be stockpiled for a term in excess of 30 years. Stockpile slopes shall not exceed 4:1.
9. Other materials (not equipment) associated with mining operations subject to the written approval of the DRC prior to materials being stockpiled.

M. Gold Recovery – Heavy sands with the potential to contain gold may be separated as a by-product of processing of aggregate products. Heavy sands may be stored on the site for eventual transport for offsite processing. No gold recovery processing is permitted on the site. Revenue from gold extraction may not exceed 2% of the gross revenue associated with the sale of aggregate material (see condition 1J1, 1J4, 1J5 and 1J6 for a definition of these materials). This restriction shall not include the gross revenues from the production of concrete, asphalt and other related products (see condition 1J2, and 1J3 for a definition of the these products). On an annual basis, Teichert shall provide information to verify that that gold recovery does not exceed 2% of the gross revenues for that year. In the event the State of California modifies the standard as set forth in subsection (f) of Section 3704.1 of Title 14 of the California Code of Regulations, Performance Standards for Backfilling Excavations and Recontouring Lands Disturbed by Open Pit Surface Mining Operations for Metallic Minerals from that in effect on January 21, 2003, to provide for a higher percentage of the mining operation's gross revenues to be derived from the production of the specified metallic minerals or for application of a different standard, the operator shall be entitled to utilize such higher percentage or different standard(s).

N. Roads – The operator is to construct an onsite haul road from the plant site to Nader Road South. Access to the site shall be from the Nader Road intersection with State Route (S.R.) 65. No other access point for retail/wholesale operations shall be permitted.

O. Reclamation - The site shall be reclaimed as described in the project FEIR as the Mitigated Design Alternative (Alternative 2) and as further described in the supplemental entitlement detail See also the Reclamation Plan Section of the conditions below and Exhibit C. The basic elements of the reclamation plan shall include the following:

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1. **Agricultural Area** – The operator shall restore 244 acres of land mined for aggregate to be suitable for agricultural production consistent with the Department of Conservation and Natural Resource Conservation Service definitions for “prime farmland”. The permanent plant site (76 acres) shall be reclaimed to grazing or similar uses.
2. **Open Water** – Two lakes (222 and 123 acres respectively).
3. **Emergent Marsh** – Variable widths of emergent marsh habitat shall be installed along the shorelines of the two open water lakes.
4. **Riparian** – Variable widths of riparian habitat shall be created above the emergent marsh along the fringe of the two open water lakes. Riparian habitat is also to be established along the fringe of the granite lake at the cessation of mining activities in this area.
5. **Upland Savannah** – The sloped areas between the created or enhanced riparian habitat and existing upland area shall be restored as upland savannah. Establishment of upland savannah shall include the establishment of grasslands, shrub understory and oak woodland overstory with an emphasis on valley oaks.
6. **Vertical or Nearly Vertical Banks** – No reclamation activities warranted other than the establishment of upland savannah at the bank edge.

The reclamation plan is further described in the FEIR including the following: Surface Mining and Reclamation Act Requirements (FEIR, Technical Appendix, A3), Soils Evaluation and Reclamation Plan (FEIR, Technical Appendix D1), Slope Stability Analyses (FEIR, Technical Appendices H1 and H2), and Final Mining Reclamation Plan (FEIR, Technical Appendix R).

- P. Conservation Easements** – A number of areas of the site are to be protected through the recordation of permanent conservation easements. Condition No. 197 further describes the specific requirements to be addressed in each conservation easement. The precise area to be encumbered by a conservation easement will be determined at the time the easement is to be recorded in recognition of slight modifications that may occur during the reclamation phase however no easement may deviate by more than 10% of the area described below. (See also Exhibit D for a depiction of each easement area.) Easements are to be recorded for the following areas:

Concurrent with Reclamation

1. Reclaimed agricultural areas – 244 acres
2. Reclaimed open water lakes – 345 acres
3. Reclaimed emergent marsh, riparian and upland savannah – 107 acres
4. Reclaimed plant site – 76 acres

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After Initiation of Mining

1. Coon Creek riparian and aquatic habitat – 200 acres
2. Wetland creation and fairy shrimp habitat – 510 acres
3. Prime agricultural land mitigation area – 461 acres

Q. Mining/Processing Setbacks – Setbacks are to be applied to aggregate and granite mining and the processing and distribution of mined products in order to reduce direct impacts (e.g., noise, odor, blast effects, etc.) on nearby properties. Exhibit E depicts all setbacks.

1. Coon Creek Aggregate Mining Setback (not applicable to processing facilities or activities) a minimum of 300 feet measured from the edge of active channel or 100 feet from the edge of riparian or oak woodlands, whichever is greater. The setback shall be measured along the entire length of Coon Creek, on the south side, adjacent to mining operations.
2. Granite mining – Gladding Road 1,600 feet and Manzanita Road 1,600 feet
3. Aggregate mining – Gladding Road 1,600 feet
4. Alpha Explosives - See Condition No. 33

STANDARD CONDITIONS

2. The following Standard Condition #'s ip1, 3, 18, 27; g3; rt11; v5, 10; f13; eh13a, 20, 23, 32, 38; ap2, 2a, 3; mc8, 10, 11; apply to this project as printed in Volume 7, Number 2, dated August 8, 2001 as listed below in condition 2 A) thru T):

A) The project is subject to review and approval by the Placer County Design/Site Review Committee (D/SRC). Such a review shall be conducted prior to the submittal of the Improvement Plans for the project and shall include, but not be limited to: Architectural colors, materials, and textures of all structures; landscaping; irrigation; signs; exterior lighting; pedestrian and vehicular circulation; recreational facilities; snow storage areas; recreation vehicle storage area(s); fences and walls; noise attenuation barriers; all open space amenities; etc. **(CR)** (PD)

B) **Staging Areas:** Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area. **(CR/MM)** (DPW)

C) The location, size, and ownership of any canals on the property shall be described in the drainage report and shown on the Improvement Plans. Provide the DPW with a letter from the agency controlling the canal describing any restrictions, requirements,

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easements, etc. relative to construction of the project. Said letter shall be provided to the DPW prior to the approval of the Improvement Plans. **(CR/MM)** (DPW)

D) Submit, for review and approval, a striping and signing plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer. **(CR)** (DPW)

E) Before any grading or clearing occurs on the project site, within 50' of any on-site sewage disposal area, the on-site sewage disposal area of any affected lot shall be fenced off with fluorescent construction fencing and clearly marked with a sign that states "KEEP OFF! Reserved for Sewage Disposal Only". **(CR)** (DPW/EHS)

F) All on-site parking and circulation areas shall be improved with a durable, all-weather surface capable of supporting anticipated vehicle loadings.

ADVISORY COMMENT: It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2" AC over 4" Class 2 AB, or the equivalent. **(CR)** (DPW)

G) Prior to approval of Improvement/Grading Plans, the applicant shall furnish to the DRC, evidence that the California Department of Fish & Game, the U. S. Army Corps of Engineers, the National Marine Fisheries Services (NMFS), and the U. S. Fish and Wildlife Service have been notified by certified letter regarding the existence of wetlands, including vernal pools on the property. If permits are required, they shall be obtained and copies submitted to DRC prior to any clearing, grading, or excavation work. **(FR/SR/CR)** (DPW/PD)

H) Temporary Construction Fencing: The applicant shall install a 4' tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the DRC) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

- 1) Adjacent to any and all wetland preservation easements that are within 50' of any proposed construction activity;
- 2) At the limits of construction, outside the dripline of all trees 6" dbh (diameter at breast height), or 10" dbh aggregate for multi-trunk trees, within 50' of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Map;
- 3) Around any and all "special protection" areas as discussed in the project's environmental review documents.

No development of this site, including grading, will be allowed until this condition is satisfied. Any encroachment within these areas, including driplines of trees to be saved,

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must first be approved by the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.

Said fencing and a note reflecting this Condition shall be shown on the Improvement Plans. **(CR/MM)** (PD/DPW)

I) Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fees required are \$880 for projects with Environmental Impact Reports and \$1,280 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination (which the County is required to file within 5 days of the project approval) is not operative, vested or final and shall not be accepted by the County Clerk. **(SR)** (PD)

J) Payment of required fees and a business plan to Environmental Health Services Hazardous Materials Section, for review and approval. **(FR/SR/CR)** (EHS)

K) Industrial and other non-domestic wastes shall not be disposed of in the on-site sewage disposal system at any time. **(FR/SR/CR)** (EHS)

L) Surface bodies of water shall be constructed and maintained to reduce potential or actual mosquito breeding habitat. Biota-oriented management such as use of mosquito feeding fish are advocated. The management/maintenance program shall be approved by Environmental Health Services. **(CR/MM)** (EHS)

M) Contact Environmental Health Services, pay required fees, and obtain an approved Site Evaluation Report and Construction Permit, and as approved, install on-site sewage disposal system(s) for the structures with plumbing fixtures. Connect the plumbing fixtures to the new system(s). **(SR/CR)** (EHS)

N) **ADVISORY COMMENT:** The approved on-site sewage disposal system area and the 100% replacement area must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification. **(CR)** (EHS)

O) No open burning shall occur unless the applicant demonstrates, in writing, to the APCD that alternatives to open burning have been explored and that open burning is the only feasible method of disposal. The District's issuance of a Burn Permit will be dependent upon the applicant's successful demonstration that no other feasible method of disposal exists. Any burning must be done in conformance with APCD Regulation 3 (Open Burning). The burning of construction/demolition debris is prohibited. **(CR/MM)** (APCD)

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P) The applicant shall ensure that no open burning occurs on this property during the development of this project. **(CR/MM)** (APCD)

Q) The applicant shall ensure that the project conforms with all APCD Rules and Regulations. Contact the APCD to review any rules that may apply to specific types of projects. **(CR)** (APCD)

R) Any entrance structure proposed by the applicant shall be reviewed and approved by the DRC, shown on the project Improvement Plans, and shall be located such that there is no interference with driver sight distance as determined by the DPW, and shall not be located within the right-of-way.

ADVISORY COMMENT: Any entrance monument or structure erected within the front setback on any lot, within certain zone districts, shall not exceed 3' in height (Ref. Article 17.54.030, formerly Section 10.030, Placer County Zoning Ordinance). **(CR)** (PD/DPW)

S) During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. **(CR)** (DPW)

T) Pursuant to Government Code, Section 66474.9(b), applicant(s) agrees as a condition of issuance and use of this Permit to defend, at their sole expense, any action brought against the County because of issuance of this Permit, or in the alternative, the relinquishment of such Permit. Applicant(s) will reimburse the County for any court costs and attorney's fees which the County may be awarded by a court, to pay, as a result of such action. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of their obligations under this condition. **(SR)** (PD)

IMPROVEMENTS/IMPROVEMENT PLANS

3. The operator shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the DPW for review and approval of each project phase. Improvement Plans are not required for the grading and drainage improvements associated with the mining and reclamation plan(s). The operator shall prepare improvement plans for the following:

- a. Street improvements to Nader Road.
- b. The bridge structure across Coon Creek.
- c. The permanent and portable plant sites (if applicable).
- d. The hardened overflow bank area.

The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the

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plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The operator shall pay plan check and inspection fees. The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the operator's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the operator's expense and shall be submitted to the DPW prior to acceptance by the County of site improvements.

ADVISORY COMMENT: Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. **(SR/CR/MM) (DPW)**

4. Landscape Plan: The Improvement Plans shall provide details of the location and specifications of all proposed landscaping and irrigation, for the review and approval of the DRC. Said landscaping shall be installed prior to the County's acceptance of the operator's improvements. **(CR/MMIP) (PD/DFS)**

5. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the DPW for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall address storm drainage during construction and thereafter and shall propose "Best Management Practice" (BMP) measures to reduce erosion, water quality degradation, etc. Said BMP measures for this project shall include: Minimizing drainage concentration from impervious surfaces, construction management techniques, erosion protection at culvert outfall locations sediment ponds and catch basins, revegetation, mulching and construction of cofferdams. **(CR/MM) (DPW)**

6. Show the limits of the 100-year flood plain for Coon Creek and Doty Ravine on the Improvement Plans and designate same as a building setback line unless greater setbacks are required by other conditions contained herein. **(CR/MM) (DPW)**

7. Submit to DPW, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

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- a) Road, pavement, and parking area design
- b) Structural foundations, including retaining wall design (if applicable)
- c) Grading practices
- d) Erosion/winterization
- e) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
- f) Slope stability

Once approved by the DPW, two copies of the final report shall be provided to the DPW and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems that, if not corrected, would lead to structural defects, additional investigations, prior to issuance of Building Permits, may be required. It is the responsibility of the operator to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. **(SR/CR/MM)**
(DPW)

8. All proposed grading, drainage improvements, and vegetation and tree removal not included in the mining and reclamation plan shall be shown on the improvement plans and all work shall conform to provisions of the County Grading Ordinance (Chapter 15, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the improvement plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shown on the improvement plans shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and DPW concurs with said recommendation (i.e., the mining slopes for the aggregate and hard rock mines are proposed to be steeper than 2:1)

The operator shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project improvement plans. It is the operator's responsibility to ensure proper installation and maintenance of erosion control/winterization during project construction. The operator shall provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of DPW.

The operator shall submit to DPW a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion-control work prior to improvement plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements and satisfactory completion of a 1-year maintenance period, unused portions of said deposit shall be refunded to the operator or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the improvement plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/DPW for a

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determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/DPW to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

9. The operator shall use best management practices to control accelerated erosion. The operator shall meet all requirements of the construction stormwater permit. All water quality standards set by the Regional Water Quality Control Board will be met. Best management practices will be used and may include, but are not limited to, the use of sediment ponds.
10. Indicate on the Improvement Plans the location of the approved minimum usable sewage disposal area and public water well. Notation shall be made on the documents that the shown sewage disposal area shall not be graded, compacted, or, in any way, altered or encumbered.

ROADS

11. The operator shall restrict project-related truck traffic to Nader Road (south). Emergency only access will be provided at the existing Gladding Road, Manzanita Road and Chamberlain Road access points to the project site.
12. The operator shall comply with Section 16.900 et seq. of the Placer County Code, which requires all employers to encourage use of alternative commute modes to increase the average vehicle ridership for home-to-work commuting. Compliance will consist of posting informational material to encourage ridesharing and completing an annual survey regarding employees' use of alternative transportation modes.
13. The operator shall upgrade the State Route 65/Nader Road (south) intersection to include exclusive southbound left-turn and northbound right-turn lanes constructed to meet Caltrans design standards. The upgrade shall be completed prior to any offsite hauling activity (except the hauling of materials associated with construction of the mitigation improvement). In addition, the Nader Road approach to the intersection will be widened to include separate left-turn and right-turn lanes.
14. The operator shall improve State Route 65 at Nader Road (south) to include a 600-foot-long acceleration lane to serve the westbound-to-southbound left-turn movement. The improvement shall be completed prior to any offsite hauling activity (except the hauling of material associated with construction of mitigation improvements). This acceleration lane is

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intended to provide a location for heavy trucks to accelerate to highway speeds. The operator shall design the acceleration lane to Caltrans standards.

15. DPW and Caltrans shall continue to monitor the operation of the Nader Road South/S.R. 65 intersection to determine whether additional safety/capacity improvements are necessary at the intersection. These future improvements may include, but are not limited to, additional or lengthening of turn lanes, lengthening of acceleration/deceleration lanes, sight distance improvements, roadway lighting, and signalization. When Placer County and Caltrans determines that further improvement is necessary, Placer County shall notify the operator in writing. The operator will be required to implement the identified improvements in a timely fashion.
16. (Condition 16 was combined with Condition 15; the last two sentences per DPW's request).
17. The operator shall contribute to the cost of signalization of the S.R. 65/Gladding Road intersection. The currently unsignalized S.R. 65/Gladding Road intersection meets signal warrants under existing conditions. The operator shall pay a fair share, based on traffic loading, for the installation of a signal at this intersection. The fair share is estimated to be \$4,290.00 based upon the project's contribution to existing and cumulative traffic volumes.
18. The operator shall contribute to the alleviation of traffic congestion on S.R. 65 by providing a traffic mitigation payment to be used by the County toward the cost of constructing the S.R. 65 Lincoln Bypass or other improvements that will lessen the impact of the project on S.R. 65 in the S.R. 65 Corridor. This payment shall be \$1,475,000, made at the time, after commencement of mining, and (a) at the time that construction of the S.R. 65 bypass commences, or (b) six (6) years after the effective date of the CUP, whichever occurs first.
19. The project is subject to payment of traffic impact fees as prescribed by the Placer County Road Network Traffic Limitation Zone and Traffic Fee Program. The operator is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:
 - a. County Wide Traffic Limitation Zone
 - b. South Placer Regional Transportation Authority (SPARTA)

The current combined estimated fee is \$177,959.00. The actual fees paid will be those in effect at the time payment occurs.

20. Personnel for the City of Lincoln and DPW staff shall monitor heavy truck traffic on City and County streets as part of their normal traffic engineering functions. If, as

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determined by the City of Lincoln or Placer County DPW Directors, these monitoring efforts show that diverted truck traffic to or from the project site results in increased hazards to motor vehicles, pedestrians, and/or bicyclists, signs shall be posted on affected streets to prohibit heavy trucks, except those used for local deliveries. The cost for the creation and installation of such signs shall be borne by the operator. In addition, to mitigate the impacts of additional traffic on Wise Road, as an access route to the State Route Bypass, the operator shall pay \$1,000,000 to the County to be used for improvements to Wise Road. This payment shall be made after commencement of mining, and (a) at the time that construction of the S.R. 65 bypass commences, or (b) six (6) years after the effective date of the CUP, whichever occurs first

21. The operator shall obtain an encroachment permit from Caltrans for any work proposed within the S.R. 65 right-of-way. A copy of the permit shall be provided to DPW before construction begins in the S.R. 65 right-of-way. Right-of-way dedications, if required, shall be provided to Caltrans to accommodate planned highway improvements.
22. The operator shall install, at the plant site, devices such as spray bars, extended cattle guards, or rumble strips to dislodge loose aggregate from the truck chassis and trailer of all loaded, departing aggregate trucks. The operator shall monitor the effectiveness and take the necessary measures to insure that the amount of material leaving a vehicle after the project site is minimized. In order to monitor the effectiveness of this measure, the operator shall be responsible for maintaining a phone log of all complaints received from individuals who receive cracked windshields, chipped paint or other damage. The phone log shall be provided to the project monitor on an as needed basis.
23. Prior to any offsite hauling activity, the operator shall develop a policy regarding the scattering of aggregate by transport trucks. This policy shall be distributed to companies that operate trucks transporting aggregate from the project site. When companies are found to be operating trucks that scatter aggregate, the operator shall notify the company, in writing, of California Vehicle Code 23114 and the need to prevent the scattering of aggregate. Copies of the notification shall be sent to the County of Placer Sheriff's Department, City of Lincoln Police Department, and the California Highway Patrol.
24. Construct a public road entrance onto Nader Road south to a Plate 27, LDM standard. The design speed of the roadway shall be 40 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW. An Encroachment Permit shall be obtained by the operator or authorized agent from DPW. **(CR) (DPW)**

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25. Prior to any offsite hauling (except the hauling of materials associated with construction of the mitigation improvement), the operator shall improve Nader Road south from the project entrance to State Route 65 to a rural secondary (Plate 3, LDM) standard.

Additional widening may be required to accommodate auxiliary lanes, intersection geometrics, bikelanes, or conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 10, but said section shall not be less than 3" AC/8" Class 2 AB, unless otherwise approved by DPW. (Ref. Section 4, LDM). **(CR) (DPW)**

26. Construction vehicles' access during construction of this project shall be limited to Nader Road (South). Temporary construction access onto County roadways shall be shown on project Improvement/Grading Plans and shall be improved to the satisfaction of DPW. **(CR) (DPW)**

MITIGATION MONITORING

27. The operator shall monitor those mitigation measures described in Chapter 19, Table 19-4 of the FEIR that are incorporated herein as conditions of approval. The operator shall conduct its monitoring activities as described in Table 19-4 including the requirement to meet or exceed performance standards.

28. Prior to issuance of improvement plans, the operator shall submit a monitoring notebook to the Planning Department for DRC review and approval. The notebook shall provide specific monitoring criteria for each mitigation measure from the FEIR including Chapters 19 (mitigation monitoring) and 20 (describing the mitigated design alternative) and conditions of approval that incorporate some component of monitoring. The notebook shall include, at a minimum, the following elements:

- a. What is to be monitored;
- b. Who performs the monitoring;
- c. What party is responsible for the monitoring;
- d. The duration of the monitoring;
- e. The required performance standards, if any;
- f. Remediation requirements if performance standards are not met;
- g. The bonding or security requirements;
- h. What is required to release the bonding or security requirements in either a lump sum payment or over time as performance objectives are met;
- i. The location of the monitoring activity;
- j. The funding source for the monitoring activity;
- k. The reporting requirements (daily, monthly, annually, etc.)

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LAND USE

29. The operator will preclude incompatible use on the "Radovich property" (APN 020-141-001 and 020-161-001) on the area depicted on Figure 20-18 of the FEIR as a "Facility Blasting Zone", for the duration of the blasting impacts that occur within 1,500 feet of the property boundary between the Radovich property and the project site. Incompatible land uses include churches, schools, residential uses, child day care, day care centers, family care homes, and transient lodging. Any existing incompatible uses shall be removed prior to the initiation of the blasting activity.
- Furthermore, prior to the initiation of any mining activity that incorporates blasting, Teichert will record a deed restriction or easement on the Radovich property. The easement or restriction shall remain in effect until blasting is completed within 1,500 feet of the property boundary. The draft deed restriction shall be submitted to the DRC for review and approval by County Counsel and DRC. No blasting may occur until the deed restriction is recorded.
30. Prior to the commencement of any mining activity, the operator shall complete the successful rezoning of the project site to include a Mineral Reserve (-MR) combining district. The -MR district provides a mechanism for public notification if a future project is proposed that could conflict with the proposed mining and aggregate processing operation.
31. Prior to the commencement of any mining activity the operator shall complete the successful rezoning of the project site to include a Special Purpose (-SP) combining district. The -SP zoning shall also extend to APN 020-141-001 and 020-161-001 within 500' of the granite mining phase.
32. The following setbacks shall be required from Alpha Explosive storage facilities. The setbacks shall apply to building with storage of explosives to inhabited buildings on the mining site (See also Exhibit E). The setback shall be added to and depicted on the operator's mining and reclamation plan:
- a. 2,215-foot setback from Storage Magazine 1 at Alpha Explosives,
 - b. 1,730-foot setback from Storage Magazine 2 at Alpha Explosives, and
 - c. 1,340-foot setback from Storage Magazine 4 at Alpha Explosives.
33. The operator shall maintain the existing permanent fencing around the perimeter of the project site for the duration of the project. The existing fencing shall be shown on the mining and reclamation plans.

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34. The operator shall install 6-foot-high chain-link fencing with barbed wire around the active granite mining phase prior to the initiation of any overburden removal or mining. The operator shall guarantee the fence will be maintained for the duration of the project by providing security equal to 10% of the estimated construction cost of the fence. The operator shall so agree to hold Placer County harmless in the event of future liability from individuals trespassing over the fence into the mining area for the duration of the project.
35. The operator shall design the project to include security lighting, fencing, and an alarm system installed on the scale house that will be triggered in the event of a break-in. All security design elements shall be depicted on the mining and improvement plans. All security lighting shall be subject to the review and approval of the DRC in order to limit offsite glare.
36. Prior to the submittal of improvement plans, the operator shall confer with the Placer County Sheriff's Department to determine the adequacy of onsite security measures. The operator shall provide a letter to the DRC stating the Sheriff's Department's satisfaction with the onsite security measures. If additional onsite security is specified, these provisions shall be shown on the improvement plans. The Development Review Committee shall approve any proposed security program prior to initiation of any mining.
37. The operator shall be required to monitor unauthorized entry to the project site for 5 years. Annual reports shall be submitted to the Placer County Planning Department documenting the number of unauthorized entries and the number of times the Sheriff's Department was notified. If, in the opinion of Planning Department staff, additional security is needed, the operator shall be required to work with the Planning Department and the Sheriff's Department to identify and implement additional measures to prevent access.
38. Prohibit any blasting that is inconsistent with the standards imposed by the Placer County General Plan. If future residences are constructed within 1,500 feet of blasting operations, any and all blasting that is inconsistent with the Placer County General Plan shall cease.

VISUAL IMPACTS

39. The operator shall design and implement the viewshed management plan incorporated into the project FEIR as Appendix P. The viewshed management plan shall screen onsite activities from surrounding properties and roadways. A final viewshed management plan shall be submitted which reflects the final design of the project as approved by the final hearing body. The final viewshed management plan shall be submitted for DRC review and approval prior to any onsite construction or mining operations being initiated. The final viewshed management plan shall be based upon the specifications described as mitigation measures in the

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FEIR. The plan shall include plant type, size, location and method of irrigation. At a minimum, the viewshed management plan shall incorporate the following:

- a. Identify discrete planting locations for the establishment of a landscape buffer to screen views of mining and processing operations from adjacent vantages. Particular emphasis shall be placed upon screening from Manzanita Cemetery and from adjacent residences.
- b. Planting of the landscape buffer will occur either prior to or concurrent with Phase I of the project or as described in the viewshed management plan.
- c. Two interim, non-native, fast-growing, evergreen landscape buffers will be established according to the viewshed management plan to provide interim screening of mining activities and processing facilities from key adjacent vantage points during the period of permanent landscape buffer establishment. The interim landscape buffers will be maintained as an effective visual screen until the native landscape buffer provides the necessary buffer to screen views.
- d. The location of the interim landscape buffers shall be as shown on the mining reclamation plan (See Exhibit C).
- e. The location of the permanent landscape buffers shall be as shown on the mining reclamation plan (See Exhibit C).

40. The operator shall limit nighttime lighting associated with mining activities and at the permanent plant to the minimum necessary for evening activities and security purposes. Except as required for specific maintenance activities, all lighting shall be oriented downward to reduce the amount of light that encroaches on areas outside the project site. No lighting will be installed at the stockpiles or along the haul route. Prior to installation of the lighting the operator shall coordinate with the DRC on determining wattage and shielding in order to reduce nighttime glare. If necessary, the operator shall make modifications to further reduce evening glare if, after installation, local conditions warrant a change.

41. The operator shall paint the permanent plant facilities muted or earth tone colors compatible with the surrounding environment to minimize their visibility of these features from S.R. 65, other public roadways, and surrounding properties. Color samples shall be submitted for DRC review and approval of all plant facilities. The DRC may require, and the operator shall provide, a sample of the paint on an area a minimum of 10' by 10' in area on the project site in order to evaluate the color onsite under normal lighting conditions. The use of reflective material will be limited to the extent feasible.

42. A Landscape Plan shall be prepared for the viewshed management areas, site entryways, office areas or other areas where ornamental or screening landscaping is to be installed. The landscape plan shall be prepared by a licensed landscape architect or similar professional, shall be submitted and approved by the DRC

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Said Plan shall be submitted with the project's Improvement Plans and the landscaping shall be installed to the satisfaction of the County prior to the County's acceptance of the project's improvements. All landscaping shall consist of native-appearing drought-tolerant plant species with a water-conserving drip irrigation system to be installed by the operator prior to acceptance of the project's improvements. The operator shall be responsible for the maintenance of said landscaping and irrigation.

A vegetation monitoring program report, prepared by a licensed landscaping architect, shall be submitted annually to the Planning Department for a 5-year period. Said report will define areas that have been disturbed/replanted with a description of the seeding and/or planting materials, and status of re-established vegetation, including survival rate. Any corrective actions required are the responsibility of the operator.

A letter of credit or cash deposit in the amount of 125% of the accepted proposal shall be deposited with the Placer County Planning Department to assure performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC. Violation of any components of the approved MMIP may result in enforcement activity per Placer County Environmental Review Ordinance Article 18.28.080, formerly Section 31.870, of the Placer County Code. An agreement between the operator and the County shall be prepared which meets DRC approval that allows the County use of the deposit to assure performance of the MMIP in the event the operator reneges. **(CR/MMIP) (PD/DFS)**

AGRICULTURE

43. The operator shall reclaim 244 acres of mined farmland to prime farmland (as defined by the Natural Resources Conservation Service (NRCS) and the Department of Conservation (DOC)) by implementing the soils reclamation plan prepared by Dellavalle Laboratory (1996) submitted to the County for the project site (see Technical Appendix D1 in the project FEIR). The operator shall record a permanent agricultural preservation easement on the 244 acres of reclaimed land. The permanent agricultural easement shall be submitted to the DRC for review and approval prior to recordation.
44. The operator shall submit a final soils reclamation plan for the site consistent with the final approvals of this conditional use permit. The soils reclamation plan shall focus on preserving soil productivity during the removal and replacement processes and preserving the productivity in the reclaimed prime farmland soils for use following the reconstruction of the soil profile. The plan shall be submitted to the DRC and Agricultural Department for review and approval prior to any onsite mining activity. The key components of the soils reclamation plan shall include the following:

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- a. At least 244 acres is to be reclaimed to prime farmland (as defined by the NRCS and DOC) and used for irrigated crops and/or irrigated pasture in mining areas and 76 acres reclaimed to grazing use at the permanent plant site (See Figure 20-20 from the FEIR).
- b. The prime farmland soils will be returned to a productivity level equal to or exceeding their condition before mining.
- c. Soil removal, replacement, and reclamation shall be in accordance with the standards developed by the DOC, Division of Mining and Geology under Section 2773(b) of the California Surface Mining and Reclamation Act of 1975 (SMARA). Article 9 reclamation standards of the SMARA shall be used as the standard for the proposed plan and for evaluating the progress of the reclamation plan.
- d. The areas reclaimed to irrigated crops and/or irrigated pasture will be reconstructed with at least 5 feet of soil (the top 9 inches of which is topsoil) above the average groundwater elevations measured at the site or as required by other conditions of approval or mitigation measures from the FEIR.
- e. Soil removal and handling will be monitored by a soil scientist experienced in soil reclamation. Soil removal and handling will comply with the following guidelines:
 1. Soil compaction will be minimized by drying the soil before removal for stockpiling. For Sand and Gravel Phase 1 and the Granite Phase, soil stockpiling will occur within the mining areas near to where soils are being removed. For other mining phases, soils will be simultaneously removed and placed in reclaimed locations.
 2. Soil will be removed in maximum depths per pass to minimize traffic and impacts on the soil during the soil removal and replacement process. Traffic on the stockpiles will be minimized as well.
 3. The surface 9 inches of soil (the topsoil layer, referred to as the AP horizon) will be salvaged and, shall be stockpiled separately from the subsoil's in accordance with Article 9 reclamation standards, Section 3704(c). The B and C horizons will be separated and stockpiled separately from the AP horizon.
 4. The topsoil stockpiles will be planted with a suitable cover crop mix if left for more than one mining season (i.e., one year). Suitability shall be determined by the Agricultural Department. This will reduce erosion and help maintain aeration and microbiological activity. The cover crop mix selected will include plants that grow in summer and winter. Irrigation shall be provided as warranted to insure that the cover crop adequately gets established to avoid erosion during the rainy season. In the event that the cover crop does not adequately control soil erosion, the operator shall immediately implement methods to control erosion as directed by the soil scientist. The operator shall configure topsoil stockpiles to retain agricultural productivity. Stockpiles shall be a maximum of 40 feet high and no single area shall remain in place

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longer than 30 years, so that microbiological activity is maintained. Stockpile slopes shall not exceed 4:1.

- f. Soil reconstruction will be directed by a qualified soil scientist experienced in soil reclamation. Deep tillage (ripping) will be required as the stockpiled soils are reconstructed in the reclaimed areas. The chemical status, organic matter, and bulk density of the topsoil will be evaluated after the soils have been reconstructed and leveled. The soil scientist will decide the necessity of soil treatments and fertilizer requirements after soil reconstruction. A baseline condition report shall be prepared by a qualified soil scientist to establish the existing soil profile, chemical status, organic matter percentage and bulk density. The baseline condition report shall be submitted to the DRC and Agriculture Department for review and approval prior to the removal of the overburden.
- g. The crop plan will be prepared by a qualified soil scientist in conjunction with a qualified restoration specialist. The crop plan will include the following elements:
 - 1. Deep-rooted cover crops are required unless otherwise recommended by the soil scientist and/or restoration specialist, as the first crop after reclamation to improve soil structure, organic matter, and microbial activity. The topsoil chemical status and organic matter will be evaluated in the agricultural fields following planting of the cover crop. The soils could be cropped in a rotation of forage crops such as seed oats, silage corn, and oat hay.
 - 2. The exposed slopes around the irrigated agricultural fields will be planted to suitable plant species for erosion control and some habitat purposes as recommended by the soil scientist/restoration specialist. Establishing habitat areas on the slopes will provide refuge for beneficial insects adjacent to the agricultural fields.
- h. A soil reclamation monitoring report, prepared by a qualified soil scientist or similar professional, shall be submitted annually to the Placer County Planning Department and Agricultural Department. The first report shall be provided within one year following the initiation of reclamation activities. The report shall discuss the progress of the soil reclamation plan, soil removal and handling, soil reconstruction, and crop yields. The report shall identify any measures to improve soil reclamation. A report shall be prepared annually until the Article 9 reclamation standards of the SMARA are achieved.
- i. In the event that desired productivity levels have not been attained, the operator shall submit, within 90 days, a proposal to improve soil conditions and/or productivity on the site. If such conditions cannot be met given a reassessment of the site, the operator shall acquire conservation easements or fee title to prime soil lands in Placer County in an amount equal to the area not fully mitigated. Conservation easements shall be recorded

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within 120 days of determining that compensatory conservation is to be required or mining activities shall cease until such time that soil productivity levels are achieved or a conservation easement records. Such conservation easements can be on the project site (on existing non-encumbered lands) or at an offsite location acceptable to the DRC in Placer County.

45. The operator shall convert 461 acres of nonirrigated, nonprime agricultural land on the project site to prime agricultural land as defined by the Williamson Act. No portion of the 461 acres may be located in areas to be mined. This requirement shall be met by meeting an annual gross income of at least \$200 per acre or that gross income standard in place at the time the conversion occurs. The conversion will occur 180 days prior to the displacement of land during the sand and gravel mining phases (Phases 1-9). The entire 461-acre area will be placed under permanent agricultural easements or other instruments subject to the approval of County Counsel. Within 3 months of the initiation of mining activities, 100 acres will be placed in a conservation easement around the existing orchard near Riosa Road. The balance of the easement (361 acres) shall be phased in concurrent with the conversion of prime farmland due to mining operations.

The 461-acre area converted to prime agricultural land shall be maintained at prime production levels (Williamson Act definition) continuously for the duration of the project. Evidence shall be provided to the Planning Department and Agricultural Department within one year of the conversion that the minimum yield has been met.

46. The operator shall prepare and submit a final report indicating that the agricultural reclamation has been reviewed and found feasible by the DRC and the Agricultural Department. Before placement of the topsoil during reclamation of the agricultural area between the lakes, the operator shall revisit the hydrologic modeling and make revisions, if needed, based on its experiences during the mining phases. On the basis of revised modeling, the final ground surface shall be restored so that the dry season water table during a wet year is 48 inches or greater below the ground surface.

47. The operator shall utilize the Lincoln Property Non-Prime Soil Conversion Study (Technical Appendix D2 of the FEIR) to guide non-prime soil conversion efforts (Dellavalle Laboratory 1997). The study indicates areas to be converted to irrigated cropland, generally discusses methods to be employed to improve productivity, and describes potential crops that could be planted on converted land. The following elements and the recommendations of the soil scientist and/or restoration specialist shall be incorporated into a final report to be submitted to the Planning Department and Agricultural Department. A final report, containing the elements below shall be reviewed and approved prior to commencing with any mining on the project site:

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- a. Identification of irrigated crops to be planted on a minimum of 461 acres that will generate annual gross crop values exceeding \$200 per acre.
- b. Identification of specific areas to be planted based on a soil study. Areas being considered for conversion from nonprime to prime include Redding and Corning gravelly loams, 2-9% slopes (a Class IV soil); Auburn-Argonaut complex, 2-15% slopes (a Class VI soil); and Kilaga loam, a Class II soil when irrigated. The areas being considered for new plantings are shown in Figure 6-7 of the FEIR.
- c. Identification of an adequate water supply for new plantings and a description of any new water development (e.g., pumping stations, filters, and main and lateral irrigation lines) required to provide irrigation water to areas of new plantings.
- d. Description of land preparation required for new plantings, including any leveling, soil amendments, deep ripping, and discing needed to accommodate new crops.
- e. A schedule for land preparation, irrigation water development, and crop plantings demonstrating that 461 acres of plantings will be phased in corresponding with the mining activities as land is displaced over the sand and gravel mining period.
- f. A description of an annual monitoring report that the operator will provide to the Planning Department and Agricultural Department, summarizing progress toward plantings and annual yields and revenues generated by crops.

The County will monitor compliance with procedures, plantings, and schedule detailed in the revised soil conversion study. (**NOTE:** The 461 acres are gross acres. Other conditions of approval require buffers of 250 feet around vernal pools and 50 feet around jurisdictional wetlands to protect these sensitive resources from agricultural conversion or operational impacts. Implementation of these buffers could result in the reduction of up to roughly 100 acres from the 461 gross acres proposed to be converted to prime agricultural land as part of the nonprime soil conversion study. In the event that 461 acres are not successfully established onsite, the operator shall provide compensatory mitigation in the form of a permanent conservation on (easement or fee title) agricultural land equal or greater in value and area to that which is not provided onsite.)

48. The 461 acres referenced in Condition No. 46 are to be converted from nonirrigated rangeland to irrigated crops (i.e., prime agricultural land as defined by the Williamson Act) (Figure 6-7 of the FEIR) shall be defined as permanent agricultural preservation easements and shown on the project plans. Such areas shall be established by recorded permanent easements or other instruments subject to the approval of County Council. A method and mechanism (e.g., an easement dedication to a nonprofit organization or public entity) for permanently guaranteeing the agricultural viability (i.e., no further subdivision) of this land shall also be established at the time of development approval. The easement shall be recorded at the time the agricultural lands are converted.

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49. The operator shall convert 180 acres of nonirrigated land north and south of Doty Ravine (Figure 6-8 of the FEIR) to irrigated pastureland, using surface water purchased from NID and delivered through Coon Creek. The conversion will be phased in as land is displaced during Sand and Gravel Mining Phases 1 and 2. The purpose for this condition is to insure that there is sufficient flow in Coon Creek during the summer months.

To ensure the success of this measure, the operator shall prepare irrigation plans that describe the areas and methods used to irrigate these lands. The operator will submit the irrigation plans to the Planning Department and Agricultural Department prior to mining the project site. The County will monitor compliance with procedures and plantings detailed in the study.

50. The operator shall provide to the County a financial assurance mechanism to ensure that properties placed under agricultural preservation easements are improved and farmed for the duration of the project. The financial assurance mechanisms shall be in the form of surety bonds, irrevocable letters of credit, or trust funds provided to the County. The financial assurance amount shall be calculated based on the following:

- a. An analysis by an independent agricultural consultant of the costs of the physical activities and materials necessary to implement the farming operations required by the mitigation measures, including the initial ground preparation activities and installation of irrigation infrastructure, plantings of permanent crops, and 1 year's worth of production costs;
- b. The County's costs for third-party contracting for these activities and for managing lease arrangements with tenant farmers; and
- c. A contingency amount not to exceed 10% of costs for the previous two items.

The calculation method and financial assurance amount shall be approved by County Counsel, with the financial assurances provided to the County prior to the establishment of each agricultural preservation easement on the site. If the operator fails to farm the easement areas during the duration of the project the County shall use financial assurance funds to make arrangements to ensure that easement areas are farmed.

51. The operator shall demonstrate that a secure source of irrigation water is available before any development activity, including grading, clearing, or other site disturbance. This requirement can be satisfied as follows: provide written documentation from NID that raw water is available on a first-come, first-served basis. The amount of irrigation water must be sufficient to irrigate 885 acres of farmland on the project site based upon the following assumed crop types: 244 acres of silage corn, 461 acres of fruit trees, and 180 acres of pasture. The written documentation from NID shall be provided to the County Planning Department prior to the commencement of mining activities on the site.

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52. The operator shall not mine on lands encumbered by a Land Conservation Agreement (Williamson Act). Processing uses may occur subject to the compatibility requirements of the state Williamson Act law (51238.1 Government Code).

FIRE SUPPRESSION

53. Prior to submittal of improvement plans, the operator shall confer with the California Department of Forestry and Fire Protection (CDF) to determine the adequacy of fire protection measures. The operator shall provide DPW and Planning Department with a letter from the CDF stating the department's satisfaction with the measures. Said letter shall be provided before the approval of improvement plans, and a fire protection district representative's signature shall be provided on the plans. If additional fire protection measures are specified, these provisions will be shown on the improvement plans.

The operator shall pay a Capital Fire Facilities Mitigation Fee, consistent with Board Resolution No.96-217 to the OFFICE OF EMERGENCY SERVICES at 11499 B Avenue, Auburn [for the Placer County Fire District]; prior to issuance of a Building Permit, Grading Permit, or Improvement Plans, whichever is first, for impacts generated by this project on the PLACER COUNTY Fire Department's local fire protection facilities. **(CR)(ES)**

54. The operator shall design the following aspects of the project to allow water to be used in the event of a fire emergency: Doty Ravine, Coon Creek, onsite wells, stock ponds, onsite reservoirs, and the plant recycling ponds.

55. The operator shall maintain water facilities onsite at a site or sites approved by DPW and the Placer County Fire Department (i.e., CDF) for fire protection needs. The facilities shall be maintained by the operator through the life of the project.

56. The operator shall comply with the Uniform Fire Code and other County and local ordinances regarding fire protection.

57. The operator shall provide adequate emergency access to the site to the satisfaction of the Placer County Fire Department (CDF) at all times. All bridges shall be designed to accommodate fire and emergency vehicles.

58. The operator shall install pumps for the dewatering operation. These pumps will be retained as a backup water source for fire suppression for the life of the project (while equipment is located on the excavation floor). Diesel pumps or electric pumps may be installed.

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59. Obtain service commitment from PG&E or other power supplier. The operator shall provide the Placer County Development Review Committee with a will serve letter from PG&E or other power supplier before approval of the improvement plans.
60. The operator shall provide the DRC with a copy of an agreement between the operator and PG&E or other power supplier specifically listing who performs and finances each segment of work relating to the utility installation. The copy of the agreement shall be provided before approval of the improvement plans.
61. The operator shall prepare and submit information pertaining to the sizes of motors to be used and their estimated electric load to PG&E or other power supplier with sufficient lead time (2-3 months) for the power supplier to undertake required system reinforcements before approval of the improvement plans.
62. The operator shall provide the DRC with proof that the Auburn-Placer Disposal Service or other approved disposal provider has been notified and has the willingness and ability to serve the project with solid waste collection (in the form of a written notice or letter) of the proposed project before approval of the improvement plans.
63. Domestic water quality and quantity shall be subject to approval by Environmental Health Services. The connection of this project to public domestic water is required. Backflow prevention devices shall be provided on domestic water service lines as required by the water supplying entity. Prior to building permit approvals for temporary or permanent plant structures with plumbing, there shall be adequate assurances that a public water well, designed and operated in conformance with the California Safe Drinking Water Act and related codes and regulations can serve the project.
64. Domestic water quality and quantity shall be subject to approval by Environmental Health Services. The project shall provide and connect to public domestic water by way of an onsite public water well. Backflow prevention devices shall be provided on domestic water service lines. Prior to building permit approvals for temporary or permanent plant structures with plumbing, there shall be adequate assurances that a public water well, designed and operated in conformance with the California Safe Drinking Water Act and related codes and regulations, can serve the project.
65. The operator shall comply with Placer County requirements for the design of onsite sewage disposal. The operator shall implement the sewage disposal report for the plant site (Sierra Engineering Services 1998 [included as Appendix M of the FEIR]). The report includes soil testing, soil percolation test results, and locations of sewage disposal areas for both plants. The report has been submitted to the Placer County Department of Health and Human

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Services, DEH for review and approval. Contact Environmental Health Services, pay required fees, and obtain an approved Construction Permit, and as approved, install on site sewage disposal system(s) for the plant.

66. The operator shall provide to the DRC "will-serve" letters from the following public service providers prior to Improvement Plan approvals, as required:
- a. Pacific Gas & Electric Company
 - b. Nevada Irrigation District
 - c. Auburn Placer Disposal Service
- If such "will serve" letters were obtained as a part of the environmental review process, and are still valid, they shall not be required again. **(CR) (DPW)**

AIR QUALITY

67. The operator shall ensure that adequate air pollution emission controls are implemented during project construction and operation. The operator shall submit a construction emission/dust control plan to the APCD no later than 45 days before groundbreaking. The operator shall not break ground prior to receiving APCD approval of the plan. The plan shall cover both construction and operation of the project, including mining of aggregate and granite.

The operator shall implement the following measures for the life of the project:

- a. Use low-emission construction equipment and CARB certified fuel (if diesel powered equipment) in all off-road construction equipment operated by the operator.
- b. Maintain the operator's onsite truck and equipment engines within manufacturer's specifications. The operator can retard off-road engines by 4 degrees to reduce nitrogen oxide and particulate matter emissions.
- c. Water disturbed areas of the site sufficiently to ensure visible dust emissions remain below an opacity of 20%. Water truck(s) shall be operating daily as needed throughout the project site.
- d. Clean equipment daily or as needed to reduce tracking of soil onto adjacent roads. At public access points, the operator shall install a wheel washer to remove loose dirt from on-road trucks hauling aggregate from the facility.
- e. Clean adjacent roads daily or as needed to remove accumulated soil.
- f. Pave the first 200 feet of public access roads on the facility site.
- g. Maintain a maximum speed of 15 mph on unpaved areas. At a central location adjacent to unpaved roads, the operator shall post a sign indicating travel speed on all unpaved roads is 15 mph.

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- h. Suspend all grading operations when wind gusts exceed 25 mph unless the operator can demonstrate that the application of water or other dust suppressants can adequately prevent dust impacts offsite. Meteorological equipment identifying wind speed shall be operational at all times.
68. The operator shall meet the most stringent California emission standards in place for off-road mobile equipment at the time building permits are issued. All off-road construction equipment used in plant operations and all off-road equipment used for 40 hours or more in construction of the portable and permanent plants shall meet the most stringent California emission standards in place, and be the lowest emission equipment available for off-road mobile equipment at the time the building permits are issued. At a minimum, all equipment shall meet the standard of 6.9 grams per brake-horsepower hour.
69. The operator shall install best available control technology (BACT) to minimize emissions from the portable plant. BACT will include using water spray bars, covered transfer points, and fabric filters, where applicable. The APCD will make a final determination on BACT once the permit to operate has been submitted to the APCD.
70. The operator shall obtain emission offsets for all regulated stationary sources with emissions exceeding the Placer County APCD's emission offset thresholds. The operator shall purchase emission credits from locations near the project site that are deemed acceptable by the APCD. Emission credits previously banked or owned by the operator may not be acceptable by the APCD.
71. The operator shall install BACT to minimize emissions from the permanent plant. BACT will include using water spray bars, covered transfer points, and fabric filters, where applicable. The APCD will make a final determination on BACT once the permit to operate has been submitted to the APCD.
72. The operator shall install electric powered conveyor belts to transfer all aggregate material to the processing plant. The screens, crushers and other equipment used to process aggregate material shall be electric powered. The source of the electricity must be from standard line sources and not from generators. The operator shall not use diesel powered generators on-site other than on an emergency basis.
73. The operator shall reduce air emissions from the hot-mix (asphalt) plant and the ready-mix by implementing the following measures:

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- a. Install fabric filters or similar devices capable of achieving up to a 99% control or higher of PM10 emissions from the ready-mix and hot-mix (asphalt) plants and work closely with the Placer County APCD to ensure that such devices are considered BACT for these emissions sources
- b. Install after-burners or similar devices capable of achieving up to a 90% control or higher of ROG emissions from the hot-mix (asphalt) plant and work closely with the Placer County APCD to ensure that such devices are considered BACT available for these emission sources.
- c. Install low-NOx natural-gas fueled burners and/or other NOx control devices capable of achieving 60% control or higher of NOx emissions from the hot-mix (asphalt) plant and work closely with the Placer County APCD to ensure that such devices are considered BACT for these emission sources.

These stationary-source BACT measures are based on a review of the Air Resource Board's BACT database (<http://www.arb.ca.gov>). The selection of BACT for this project will be based on a review by the Placer County APCD when the air quality permit application for the project is submitted to the APCD. The applicant shall be required to meet the most stringent BACT requirements in place at the time that Air District receives the application for the authority to construct permit.

74. The operator shall implement an Offsite Mitigation Program to reduce 18.2 tons of nitrogen oxide emissions within the Sacramento Valley Air Basin. The emission reductions must be derived from existing sources of nitrogen oxide emissions within the Sacramento federal non-attainment area that are not required by law or the Placer County Air Pollution Control District (APCD) Rule or Regulation to reduce their emissions. The owner shall submit proposed projects to the APCD for review and approval prior to implementation. APCD staff will work with the operator to evaluate the emission reductions that could be claimed by a proposed project. The operator may include their own equipment, or that of a subcontractor in their offsite mitigation program. However, the off-road mobile equipment included in this program cannot come from the proposed facility. The operator shall have three years from the issuance of the first building permit for the project to achieve the 18.2 tons of emission reductions.

In lieu of the operator implementing their own offsite mitigation program, the operator may pay an equivalent amount of money into the APCD's Air Quality Mitigation Fund. Such payment shall be ~~\$182,000~~\$310,856 based on the 18.2 tons of emission reductions needed and a cost effectiveness of ~~\$10,000~~\$17,080 per ton, or whatever factor-per-ton is in place at the time of the issuance of a building permit. The APCD will use any money so paid by the operator to provide monetary incentives to sources of air pollutant emissions within the Sacramento Valley Air Basin that are not required by law to reduce their emissions.

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The APCD has agreed not to provide the operator's offsite mitigation funds as financial incentives to any of the operators competitors. The operator may pay a one time fee of ~~\$182,000~~\$310,856 prior to the issuance of any building permit for this project site, or split the total amount over four years with installment payments of ~~\$45,500~~\$77,714 each year. The first payment would occur prior to issuance of any building permit, and the subsequent payments would occur annually from the date of the first payment. If the operator chooses to pay the offsite mitigation fee over four years, the payment in years two through four shall be adjusted annually by the increase in the consumer price index.

75. For both the construction and operational phases of the project, ~~The~~ operator shall maintain onsite heavy-duty mobile source equipment in good running condition. Any equipment found to exceed opacity limits shall be removed from service and repaired before being returned to service. The operator shall have on staff at this facility an employee that is certified by the California Air Resources Board (CARB) for visible emissions evaluation. Weekly evaluations shall be made of all off-road equipment and records maintained. In lieu of the operator having an employee CARB certified in visible emissions evaluation, the operator can contract out to a private company to verify compliance with opacity limits.
76. The operator shall use low-emission equipment and CARB reformulated fuel in onsite heavy-duty mobile equipment.
77. The operator shall use water spray or other dust control techniques to minimize visible fugitive dust emissions. Mining areas that are inactive for more than 48 hours shall be sprayed with water that includes a dust palliative as needed to reduce fugitive dust emissions.
78. The operator shall conduct ambient air quality monitoring for asbestos, particulate matter (PM10), and crystalline silica by implementing the following measures:
 - a. Prepare and submit an air-monitoring plan to the Placer County APCD 90 days prior to groundbreaking, with monitoring to begin within 30 days of APCD approval of the monitoring plan. The air-monitoring plan shall include provisions to perform ambient air monitoring for asbestos, particulate matter (PM10), and crystalline silica prior to and during plant operation for a period of time to be determined by the Placer County APCD. However, if an approved monitoring method is not available for crystalline silica prior to this time, then the plan will state that upwind and downwind samples will be taken as soon as an approved method is identified. The air monitoring shall be performed by the APCD under contract with the operator, or by an independent contractor approved by the

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APCD. The APCD may allow the operator to perform the air monitoring if a monitoring plan is proposed that is acceptable by the APCD.

- b. If a crystalline silica unit risk value is adopted by the Air Resources Board during the life of the project, the operator shall comply with the Assembly Bill (AB)-2588 facility prioritization and health risk assessment requirements.

79. If the APCD receives odor complaints from neighbors, and the APCD can verify the facility is the source of the odors, the operator shall implement all necessary controls to abate the odors.

80. The operator shall use water sprays or chemical dust suppressants to control fugitive dust emissions from storage piles and unpaved roads. Records shall be kept identifying the frequency of watering and use of chemical dust suppressants.

81. Those conditions listed above that are applicable to the APCD stationary source permitting authority shall be made conditions on the operator's APCD Permit to Operate.

NOISE

82. The operator shall use noise-reducing measures during the construction of the portable and permanent processing plants. The following measures shall be incorporated into construction contract specifications:

- a. Construction noise emanating from any construction activities requiring a building or improvement plans is prohibited on Sundays, County, state and federal holidays and shall occur only:
 - 1. Monday through Friday, 6:00 a.m. to 8:00 p.m.
 - 2. Saturdays, 8:00 a.m. to 6:00 p.m.

This condition shall be noted on the improvement plans. (**ADVISORY NOTE:** Activities that do not involve heavy equipment or machinery, may take place at other times including work within an enclosed building.) The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions.

- b. The operator shall ensure that all construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a residential dwelling shall be equipped with properly operating and maintained mufflers at all times during project construction. It is the operator's responsibility to obtain the services of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. A note to this effect shall be added to the improvement plans, where applicable.

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83. The operator shall use radar-based backup warning systems on all heavy equipment operated within 1,000 feet of noise-sensitive land uses (i.e., residential uses). The systems will detect objects or people in the equipment's path when the equipment is moving in reverse. The system will produce an audible warning only when an object or person is detected to be at an unsafe distance from the equipment. The radar alarm system produced by the R. F. Knapp Company at the time of drafting these conditions meets these requirements, and the California Occupational Safety and Health administration has accepted this technology as meeting the intent of its safety regulations. This current product or an equivalent would be suitable.

The operator shall not operate any mining equipment, dewatering pumps excluded, in the mineral extraction areas between the hours of 10:00 p.m. and 6:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on weekends. Mining activities within 1,500 feet of offsite noise-sensitive receptors shall stop at 7:00 p.m. The asphalt plant, ready-mix plant, and material loadout operations and maintenance work can be conducted 24 hours per day.

Use radar-based backup warning systems on all heavy-duty equipment used in the mining areas.

84. The operator shall have a qualified person monitor noise levels produced by noise-generating project-related activities, including removal and placement of overburden material, rock drilling, material transport, material processing, and dewatering. Type II or better sound-level meters will be used for the monitoring. Monitoring shall be conducted at or near at least three residential locations exposed to the highest project-related noise levels during the monitoring period. Monitoring shall be conducted at the beginning of each new phase of mining and at least one time per month at times when mining and processing activities are in full operation. The County may request more frequent monitoring. Project-related activities shall not exceed the following sound levels:

- a. Maximum L50 value for any 1-hour period - 40 dBA
- b. Maximum Ldn value for any 24-hour period -50 dBA

NOTE: In instances in which L50 values measured in the absence of project-related noise exceed 40 dBA, maximum A-weighted L50 values from project-related activities shall not be more than 3 dB above the background L50 value. In instances in which Ldn values measured in the absence of project-related noise exceed 50 dBA, maximum Ldn values resulting from project-related activities shall not be more than 3 dB above the background Ldn value.

85. Twice a year, beginning on the project commencement date, the operator shall submit a report to the site monitor summarizing the results of the noise-monitoring program. The operator shall make all reports available to the County upon request. The County may independently verify concurrence with the criteria defined above at any time. The operator shall

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fund independent monitoring required by the County and County staff time required to review monitoring data. If the County determines that project-related activities are resulting in these criteria being exceeded, the County will notify the operator within 10 days. The operator will then have 30 days to identify and implement additional noise-reduction measures to bring project-related noise levels into compliance with the criteria identified above, such as, but not limited to the following:

- a. Install engine mufflers or local barriers such as partial enclosures or acoustical blankets or construct berms around noise-generating elements of the plant or mining equipment, **OR**
- b. Limit plant processing hours to hours when the 10-dB penalty for the calculation of Ldn does not apply (7:00 AM to 10:00 PM.)

86. The operator shall use measures to limit noise from scraper activity. If scraper activity results in noise that exceeds the criteria identified in Condition No. 84 the operator shall implement any or all of the following measures as needed to reduce scraper noise:

- a. Place portable noise barriers or berms along the boundaries of mining sites or adjacent to noise sources to interrupt the line of sight between noise sources and adjacent noise-sensitive uses, **OR**
- b. Use one scraper instead of two to remove overburden material

87. The operator shall rely on line power rather than diesel generators for electricity to power the electrical conveyors. In the case of a power outage, two backup generators would be retained for emergency use only. One 375-horsepower diesel generator would be provided for emergency use only in the mining area, and one 16-kilowatt natural gas or propane generator would be provided for emergency use only at the scale house.

FLOODPLAIN MANAGEMENT

88. The operator shall monitor the rate of stormwater discharge to Coon Creek so as not to exacerbate downstream flooding in Sutter County during construction of the plant site and aggregate Phase 1. In the event of a flood that exceeds the capacity of Coon Creek and floods the mining areas, the mining areas will act as storage reservoirs. The operator shall not discharge stormwater to Coon Creek that will exacerbate downstream flooding in Sutter County. The operator shall develop a detailed operational plan relative to the monitoring of discharges on downstream properties. The plan will be developed in consultation with the Placer County Flood Control and Water Conservation District and DPW. The plan will be approved by the Placer County Flood Control and Water Conservation District and DPW as part of the improvement plans.

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89. The operator shall construct a hardened bank overflow area to avoid creek capture near the mining pits during a major storm (see FEIR Technical Appendix R). The operator shall design and construct a hardened bank overflow area at the point of anticipated overflow to the reclaimed agricultural land, which is north of Phase 9 of the sand and gravel phases (see Figure 13-7 of the FEIR). The overflow area will be constructed during the first 10 years of aggregate mining, before the fourth phase of aggregate mining begins. Prior to construction of the overflow area, the operator shall submit Improvement Plans, specifications, and cost estimates (per requirements of Section II of the Land Development Manual that are in effect at the time of submittal) to the Placer County Department of Public Works for approval.
90. The operator shall not locate aboveground storage tanks or store any hazardous materials in the mining pit or below the 100-year floodplain. Chemical toilets shall not be located in the mining pits or below the 100-year floodplain during the potential flood season (December-March).
91. During the flood season (December through March), heavy equipment, such as tractors, bulldozers, and graders, shall be parked on a terrace or pad elevated above the pit floor when not in use and when the weather forecast for the Coon Creek watershed predicts precipitation. If flooding is imminent, equipment shall be removed from the pit and stored outside of the floodplain.
92. The operator shall coordinate with Placer County Flood Control and Water Conservation District to obtain flood information from the Alert Flood Warning System so that equipment can be removed from the pits if a flood is imminent.
93. The operator shall grant Placer County Flood Control and Water Conservation District an easement to install telemetry equipment at the permanent stream gage on the project site to expand its Alert Flood Warning System.
94. The operator shall adhere to the procedures set forth in the County's Flood Damage Prevention Ordinance in order to construct any improvements within the 100-year floodplain. If a variance is required to construct the proposed site improvements, such variance shall be obtained prior to the approval of building permits or improvement plans for the construction or installation of any feature in the 100-year floodplain including but not limited to, bridges, levees, stockpiles or any portion of the processing plant(s).
95. The operator shall design and build a levee to protect the plant site from flooding events. The levee shall be designed in accordance with the provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's

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Stormwater Management Manual or FEMA standards whichever is higher. The operator will design the structures (scale house, offices, and habitable buildings) at the permanent plant site to be elevated such that the lowest floor is a minimum of 2 feet above the 100-year flood level.

WATER RESOURCES

96. The operator shall design the permanent processing plant so that aggregate washwater will not be discharged from the plant site. Aggregate materials will be screened and washed to remove fine clays and produce specific aggregate products. The screening also will separate sands from gravels. To meet concrete quality specifications, the sands will be further washed, and heavy sands that may contain gold or other precious metals will be gravity separated and stored. Four settling ponds will be created, each approximately 4 acres in size. These ponds will be used to store and recycle processing water. The ponds will be sized to accommodate stormwater runoff within the leveed permanent plant area and all processing water. There will be a separate catch basin to collect runoff from the plant. The captured water may be used for dust suppression. In addition, the settling ponds and the plant area will be protected from the 100-year flood event by a levee system. The design for the settling ponds shall be shown on the improvement plans.
97. The operator shall transport the heavy sand mixture, which may contain gold or precious metals, offsite for further gravity processing. No onsite gold recovery processing of heavy sands is authorized by this Conditional Use Permit.
98. Design drainage facilities in accordance with requirements of the Placer County Storm Water Management Manual and to the satisfaction of DPW. All drainage facilities shown on the improvement plans shall be designed, constructed, and operated to the satisfaction of DPW. Maintenance of these facilities shall be the responsibility of the operator.
Advisory Comment: This project is subject to the NPDES general industrial stormwater discharge permit and the general construction stormwater discharge permit. The operator shall obtain and comply with all standards and monitoring requirements set forth by the NPDES program. Any required permits shall be obtained through the RWQCB.
99. The operator shall avoid any mining activities in the historic dredge tailing area. These locations shall be shown on the mining and reclamation plans and designated as a no disturbance area (see Figure 13-8 from the FEIR).
100. The operator shall implement a program prior to commencement of mining operations, to monitor groundwater levels, streamflow, and groundwater and surface water quality during and after mining at the site. The monitoring program is described in detail in Chapter VIII of the groundwater technical report by Luhdorff & Scalmanini, Consulting

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Engineers (1997). The proposed monitoring sites are shown in Figure 13-10 of the FEIR, and the frequency and type of monitoring are shown in Table 13-5. The operator will add the Vineyard well (APN 020-163-001) to the groundwater quality-monitoring network. Monitoring will be identical to that for the Ferrari well on APN 020-150-037. The program shall be reviewed and approved by the DRC prior to approval of improvement plans for the site.

(**ADVISORY NOTE:** The monitoring program will not by itself prevent or mitigate impacts on groundwater levels, streamflow, or water quality. However, it is an essential mechanism for detecting impacts and consequently a necessary precursor to other mitigation measures that will mitigate any impacts detected by the monitoring program).

101. The operator shall revise the monitoring program listed in Condition 100 above to detect certain types of potential impacts. The operator shall coordinate with the DRC to determine what elements of the program require modifications for impact detection. The final monitoring program is to be approved by DRC prior to the issuance of improvement plans. The final modified monitoring program must contain the following elements.

- a. The operator shall retain the three "Wiswell" wells (APN 020-143-020) approximately 1 mile east of the project site in the monitoring network for groundwater levels. These wells are presently being monitored to document baseline conditions but are not included in the proposed monitoring program. These wells shall be retained for monitoring to facilitate efforts to discern project impacts from natural variations in water levels in over the duration of the project. As such, it is assumed that these wells shall be used to resolve disputes regarding the cause of future variations in water levels or well yields in rural domestic wells near the project site.
- b. The operator shall relocate stream gage S-2 to near the proposed haul road bridge approximately 2,500 feet downstream of the proposed location. This will place the gage downstream of almost all the effects of dewatering on streamflow and seepage from Coon Creek.
- c. The operator will add the "Vineyard" well (APN 020-163-001) to the groundwater quality monitoring network. Monitoring will be identical to that for the Ferrari well on APN 020-150-037.
- d. All discharge from the dewatering pumps will be measured continuously with an in-line flow meter or weir, and monthly discharge volumes will be calculated and recorded. This will replace the quarterly monitoring of water levels at the discharge location (site P-1).
- e. The operator may omit monitoring at stream gages S-5 and S-6 in Doty Ravine. The effects of discharging dewatering water to Doty Ravine on flow in the ravine can be calculated from the metered discharge and the difference between flow at gages S-3 and S-4.

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- f. The operator shall install flow meters on selected water supply wells within or near the zone of potential impact and monitor well pumping rate (in gallons per minute) and cumulative production (in gallons or cubic feet) semiannually. These measurements will provide information needed in addition to water levels to evaluate the magnitude and cause of any declines in water supply on neighboring parcels. In instances where a property owner proposes and demonstrates equal or better evaluation tools to accomplish the same baseline and monitoring data, an exemption to the flow meter may be considered by Placer County. Wells recommended for metering, assuming that landowner permission is granted, are:

Vineyard –	APN 020-163-001
Hofman –	APN 020-141-020
Ferrari -	APN 020-150-037
Ferrari agricultural -	APN 020-150-037
Fitzgerald -	APN 020-150-077
Fitzgerald agricultural -	APN 020-150-059
Hensley -	APN 020-120-016
Guertin -	APN 020-060-023
Fleming -	APN 020-143-003
Tahti -	APN 020-143-004
Wilson -	APN 020-150-070
Wilson agricultural -	APN 020-150-064
Foult - Domestic well	APN 020-143-005

The operator shall provide written notice to the above property owners 60 days after project approval and again 60 days prior to commencement of mining operations inquiring as to their willingness to participate in the flow monitoring program. The property owners must provide a written response within 30 days requesting inclusion into this program. It will be necessary for those participating owners to grant permission to the operator to access the monitoring well. For those property owners who elect not to participate, no onsite monitoring will be provided consequently it is presumed that there will be lack of sufficient data to claim an impact has occurred. (Table 13-5 and Figure 13-10 of the FEIR indicate the wells initially proposed for inclusion in the water-level monitoring program.)

- g. The operator shall present the results of the monitoring program to the Placer County DRC in an annual report. The report shall include all of the data collected during the reporting year (streamflow, dewatering discharge, groundwater levels, well yields, and water quality). The report shall also include an evaluation of all data collected to date to determine whether project-related impacts are evident. Impacts on streamflow, water

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levels, well yields, and water quality will be investigated using statistical and graphical analyses of data trends and the locations of high and low values.

- h. Incorporation of analysis of all monitoring parameters and protocols described in the FEIR (Chapter 13) and sampling that includes (a) organics expanded to include annual sampling at well MW-7, immediately downgradient of the alluvial lake; (b) pesticides or herbicides used on existing, new, or reclaimed cropland at this time; (c) pesticides and other agricultural chemicals used at the site may be limited to those chemicals actively used at the site; (d) other constituents as recommended by DEH (e.g., metals, iron, salinity, pH, etc).
- i. The following wells will be added to the monitoring program, with annual monitoring of water quality indicators and biennial monitoring of general minerals and inorganics (see Table 13-5 of the FEIR):

Vineyard domestic	APN 020-163-001
Ferrari domestic	APN 020-150-037
Fitzgerald domestic	APN 020-150-077
Alpha Explosives domestic	APN 020-150-041, 043
Nader #1	APN 020-150-030
Wilson domestic	APN 020-150-070
Tahti domestic	APN 020-143-004
Foult - Domestic well	APN 020-143-005

- j. One new monitoring well shall be installed east of Alpha Explosives between Alpha Explosives and Coon Creek. The proposed location of this well shall be submitted to RWQCB staff for approval before installation, and this well shall be installed at least one year prior to commencing dewatering
- k. The operator shall provide written notice to the above property owners 60 days after project approval and again 60 days prior to commencement of mining operations inquiring as to their willingness to participate in the groundwater quality monitoring program. The property owners must provide a written response within 30 days requesting inclusion into this program. It will be necessary for those participating owners to grant permission to the operator to access the monitoring well. For those property owners who elect not to participate, no onsite monitoring will be provided consequently it is presumed that there will be lack of sufficient data to claim an impact has occurred.

(NOTE: Pathogens are not included among the monitored constituents because no large or concentrated source would result from the proposed project, and because the long travel distances and travel times to any downgradient well would remove any viable pathogens.)

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102. The operator shall construct a horizontal flow barrier along the upper perimeter of the granite pit walls with overburden material to decrease groundwater drawdown outside the pit. The operator shall backfill the upper perimeter of the granite pit walls with overburden material to decrease groundwater seepage into the pit and thereby decrease groundwater drawdown outside the pit. The slope of the backfill material and its setback from the edge of the top of the granite pit wall shall be engineered to ensure slope stability under positive pore pressures associated with groundwater seepage near the toe of the backfill.

In the event this condition does not completely address the drawdown problem the operator shall implement additional measures as described in Condition No. 103 regarding drilling and grouting large, seeping fractures in the granite pit walls. Drawdown may also be the result of seepage into the pit through fractures in the granite as the pit is deepened. The backfill will not cover the entire depth of the pit wall but will cover only the unconsolidated alluvial deposits and weathered granite that form the upper 40 feet of the 150-foot-deep pit wall. Thus, additional measures may be needed to minimize seepage through bedrock fractures

103. The operator shall drill and grout large, seeping fractures in the granite pit walls. If fractures exposed in the course of excavation of the granite pits leak substantial amounts of water and if it is determined that drilling and grouting will be effective in stopping the flow, the operator shall drill and grout major fractures as a means of limiting the extent of groundwater drawdown near the pits. This procedure involves drilling small boreholes horizontally into the cliff face near a fracture and injecting a cement grout into the fracture system to plug the fractures and block groundwater flow toward the cliff face. The grout remains entirely inside the bedrock mass and is not visible at the cliff face. This condition may be implemented in lieu of the backfill condition (See Condition No. 102) if it becomes evident that most of the flow into the granite pits is through the fractures rather than the overlying unconsolidated formations. This condition is not required if the groundwater monitoring program has not detected adverse impacts on water levels or yields at nearby water supply wells.

104. The operator shall ensure that nearby existing residential units and agricultural wells have an adequate water supply throughout the duration of the project's mining, dewatering and processing activities. The determination of adequacy shall be made by DEH based upon well yield standards in effect at the time the evaluation is made. The operator shall supplement the yield of any nearby rural domestic wells and agricultural wells (within the projected limit of potential effect depicted on Figure 13-10 of the FEIR) shown by monitoring to be adversely effect by the project. If drawdown caused by the project at a nearby existing well within the projected limit of potential effect (Figure 13-10 of the FEIR) decreases the yield of that well to the point that it could no longer supply the water demand of the existing well, the operator will do one or more of the following, as needed to restore the supply:

- a. Lower the pump,

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- b. Deepen the well, or
- c. Replace the well
- d. Provide surface water for agricultural wells

The method of restoring the water supply shall be selected by mutual agreement between the affected well owner and the operator, with approval by the Placer County DRC. The operator will also compensate the well owner for any increased pumping costs demonstrated to be caused by the project.

105. If a neighboring well owner within the projected limit of potential effect (Figure 13-10 of the FEIR) experiences a loss of well yield and suspects that the loss is caused by the project, the neighbor may report the problem to the Placer County DRC. The DRC will use the most recent annual groundwater monitoring report and any other information deemed relevant to determine whether the problem may be the result of project operations. If warranted, the Placer County DRC will contact the project owner and require that the complaint be analyzed by an independent expert, at the cost of the operator. The effect of the project on water levels at the affected well will be discerned from unrelated changes in water levels by a statistical or graphical comparison of water level trends in the affected wells and other wells at various distances from the dewatered pit. If the analysis conducted by an independent expert indicates that the project is the probable cause of the problem, mitigation as appropriate will be implemented. The cost of DRC time shall be borne by the operator. All involved parties shall make every reasonable effort to resolve the issue as quickly as possible. The Planning Commission, based upon recommendations from DEH, shall decide whether or not the operator shall be responsible for replacement of the affected well(s).
106. Prior to commencement of mining, the operator shall post a \$1 million bond with Placer County to ensure that it replaces any wells within 0.5 mile beyond the 5-foot drawdown contour, as depicted in Figure 13-10 of the FEIR, that fail as a result of the proposed project.
107. If the concentration of any constituent monitored pursuant to Condition No. 101 exceeds state primary drinking water standards at a potable supply well, the operator shall notify the Placer County Health Department and the owner of the affected well within 24 hours of receiving the test results. Exceedances of secondary drinking water criteria of a potable supply well or constituents of agronomic concern at an irrigation well shall also be reported if the concentrations exceed the maximum baseline concentration or demonstrate a statistically significant increasing trend. The operator shall retest any potable supply wells where primary standards were violated within 30 days of receiving the first test results. If the results of the second test are also high and if a comparison of water quality trends among the group of monitoring wells indicates that the project is the source of the contamination, the operator shall take corrective action. Appropriate corrective actions cannot be specified until the type,

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mechanism, and extent of contamination are known. A program of corrective actions shall be developed by the operator in consultation with the DRC and may include measures such as the following:

- a. Provide temporary (short-term) potable water supply until the well is restored to usable quality, and
- b. Provide a permanent replacement water supply (for example, a new or deepened well).
- c. Identify the source of the contamination and eliminate it if it is located on the project site. If the source of contamination is located on neighboring lands, the operator will make recommendations to correct the problem.

(NOTE: Although treatment of the contaminated water at the well head would be technically feasible, it is not permitted by the County or the State Department of Health Services unless it is a state approved point of entry treatment unit that is operated and maintained by certified operator under the oversight of a public managing entity.)

108. The operator shall manage the lakes to allow lake levels to be returned to normal within 60 days of flooding. The operator shall construct an outlet works for the alluvial lake that allows the lake level to be returned to normal within 60 days following flood inundation of the pit. The outlet works may operate by gravity or pumping. The alluvial lake and the granite lake will be connected by a culvert so that the granite lake also could be drained to a normal water level within 60 days following a flood.
109. The operator shall use several detention ponds to capture irrigation tailwater from the restored agricultural areas. Surplus irrigation, as well as any soluble nutrients, captured in these ponds may be recycled (reapplied) to the agricultural areas, when water quality is appropriate for reapplication. The exact location and construction design of the detention ponds shall be depicted on the project's grading or improvement plans.
110. The operator shall provide makeup water for the alluvial lake. The amount of makeup water will be sufficient to maintain water levels near 123 feet above sea level, in the two lakes. The average annual rates and salinities of the makeup water will be managed so that the salinities of both the lakes do not exceed 1,300 mg/l of dissolved solids, which equals the highest simulated concentration and will not result in adverse effects. Occasional flood inundation and passive inflow from the granite lake to the alluvial lake via a culvert is expected to achieve this objective.
111. The operator shall develop and implement a lake water quality management plan to be reviewed and approved by DRC prior to the initiation of mining on Phase 8. The plan shall include baseline and post-creation monitoring, performance standards to be determined

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after collection of the baseline data, remedial actions to ensure environmental health, and annual monitoring reports. The baseline water quality monitoring plan shall be implemented prior to creation of the lakes to establish existing water quality conditions at the site. Groundwater from an upgradient monitoring well and irrigation supply water (Coon Creek) shall be analyzed by a certified analytical laboratory for the following:

- a. general minerals (including alkalinity, pH, TDS, hardness, electrical conductivity, calcium,
- b. chloride, iron, magnesium, zinc, manganese, sodium, and sulfate),
- c. nitrate,
- d. nitrite,
- e. orthophosphate,
- f. biological oxygen demand,
- g. chemical oxygen demand, and
- h. dissolved oxygen (of lakes only).
- i. known pesticides used

The information collected for the baseline water quality-monitoring plan shall be used as a benchmark against which post-creation monitoring results will be compared to evaluate application rates for pesticides and fertilizers and other agricultural management activities. Modifications to the pesticide monitoring program to account for changes to adjacent land use activities shall be reviewed and approved by DRC prior to implementation of the proposed change.

112. The operator shall implement a post-creation monitoring plan after lakes have been created and monitoring shall be continue for a 5-year period. The lakes shall be monitored monthly using field test kits for the following:

- a. pH,
- b. dissolved oxygen,
- c. electrical conductivity,
- d. orthophosphate, and
- e. nitrate.

If necessary, samples will be collected quarterly and analyzed by a certified analytical laboratory for pesticides. These constituents are generally used as indicators of health in aquatic ecosystems. Dissolved oxygen concentrations greater than 5 mg/l are necessary to support most fishes. Concentrations of less than 2 mg/l are lethal to most fishes. Growths or blooms of algae may significantly depress dissolved oxygen concentrations during the night when the algae respire. Significant reductions in dissolved oxygen concentration lead to pH

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increases as biological activity that favors anoxic conditions increases. Elevated pH levels may be an indicator that there is a significant depression in dissolved oxygen concentration that may be lethal to fish. Elevated nutrient concentrations (both orthophosphate and nitrate) are indicators that an algae bloom is imminent and that conditions may occur that may be lethal to fish.

Performance standards shall be implemented after collection and interpretation of baseline data. However, it is anticipated that the performance standards will be as follows:

- f. pH shall be between 6.5 and 8.5,
- g. dissolved oxygen concentrations shall be greater than 5 mg/l,
- h. dissolved solids concentration shall not exceed 1,300 mg/l,
- i. orthophosphate concentrations shall not exceed 0.1 mg/l or 20% greater than baseline concentrations,
- j. nitrate concentrations shall not exceed 1.0 mg/l or 20% greater than baseline conditions.

If measured parameters exceed the performance standards, a survey of the site shall be completed to ensure that surface runoff from the agricultural areas is not being discharged to the lakes and to ensure that fertilizer has not been applied directly to the lakes. Additional samples of the irrigation source water and monitoring well shall also be analyzed to determine whether there is an outside source of elevated nutrient or pesticide concentrations.

If the cause of the exceedance of the performance standard is determined to be onsite, corrective actions shall be taken to repair facilities that may be damaged. If the performance standard is exceeded for 2 or more consecutive months, the Placer County DRC shall be notified within 5 working days of the second and subsequent months of monitoring. The monitoring data, site survey results, and description of any corrective actions that have been implemented shall be provided to the County. A remedial action plan shall be developed and implemented in consultation with the Placer County DRC.

Specific remedial actions cannot be determined until water quality data have been collected and interpreted. However, typical remedial actions to maintain a healthy aquatic ecosystem may include, but are not limited to:

- k. Decreasing the rate and/or frequency of fertilizer application to prevent algae blooms,
- l. Appropriately managing pesticide applications, or
- m. Adding aeration systems to the lakes to add oxygen and mix the water.

An annual monitoring report shall be prepared by a qualified water quality specialist familiar with open water management and submitted to the Placer County DRC. The report shall include the monitoring data and interpretation. If the performance standards were exceeded, the report shall document the corrective or remedial actions that were taken to meet the standards. The report shall also include general observations of the lakes at the time of

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monitoring, such as the color of the water, odors, and fish kills, which can be used in interpretation of the data.

113. The operator shall monitor turbidity where dewatering water would be discharged into ditches currently used for irrigation tailwater. If turbidity levels are acceptable, the water will be allowed to flow into Doty Ravine or Coon Creek or will be used at the plant site for aggregate processing operations. If turbidity levels are unacceptable, the operator will use other best management practices, which may include, but will not be limited to, the discharge of water to sedimentation basin(s).
114. The operator shall use best management practices to minimize sediment and debris in dewatering water discharged into the onsite drainage system. Because it is a requirement to meet the water quality standards of the National Pollutant Discharge Elimination System (NPDES) permit for discharge of groundwater, the operator will use other best management practices, possibly including, but not limited to, constructing sedimentation ponds to maintain the quality of water discharged to the creek. Any sedimentation ponds will be maintained by the operator. Evidence of a sedimentation pond maintenance schedule shall be provided to the Placer County Department of Public Works.
115. The proposed project is subject to construction-related stormwater permit requirements under the Federal Clean Water Act, National Pollutant Discharge Elimination System (NPDES) Program. In order to comply with the terms of this act, the operator shall prepare a stormwater pollution prevention plan (SWPPP) as required under its NPDES permit to minimize the possibility of introducing pollutants into aquatic habitats. The plan will be submitted to the RWQCB for review and approval. No construction may commence onsite until the plan is approved. The plan will include, but not be limited to, the following measures:
- a. Conduct all construction work according to site-specific construction plans that minimize the potential for sedimentation of aquatic habitat. Identify all areas that require clearing, grading, revegetation, and recontouring, and minimize the areas to be cleared and graded.
 - b. Grade disturbed areas to minimize surface erosion.
 - c. Avoid riparian and wetland vegetation, wherever possible, and identify and fence specific trees to maintain riparian habitat.
 - d. Cover bare areas with weed free mulches and revegetate all cleared areas with approved native species.
 - e. Prevent equipment operation in flowing water when performing in-channel activities associated with bridge construction by constructing coffer dams and diverting all streamflows around construction sites.

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- f. Construct sediment catch basins across the stream channel immediately below the construction site when performing in-channel construction to prevent silt- and sediment-laden water from traveling downstream, and periodically remove accumulated sediments from the catch basin.

BIOLOGICAL RESOURCES

116. The operator shall implement the final mining reclamation plan (Technical Appendix R of the FEIR) that includes creating a mosaic of habitat types along the edge of the reclaimed areas to modify the areas' rectilinear geometry and provide diverse aesthetic landforms and plant and wildlife habitat. The final mining reclamation plan includes a monitoring program, monitoring performance standards, and remedial actions to be taken in the event that performance standards are not met.
117. The operator shall ensure that mining and other activities are not located adjacent to Coon Creek by providing a minimum 300-foot mining setback from the edge of the active channel of Coon Creek or 100-foot setback from the dripline of riparian or oaks woodlands along the south side of Coon Creek, whichever is greater. For purposes of this project riparian growth is considered to be the area along Coon Creek that contains riparian dominant overstory species including valley oak, sycamore, cottonwood. (See Exhibit E). The operator shall field stake the 300' Coon Creek setback at the commencement of mining. The location of the 300' setback shall be field verified and approved by the DRC prior to commencement of any mining in the area.
118. The operator shall implement the Coon Creek Riparian Habitat Restoration Plan described in Section J10 of the Technical Appendices. Any modification of Appendix J10 to reflect the final project description taken by this action shall be submitted to the Planning Department for review and approval prior to the commencement of any mining activity on the property. The restoration plan shall be consistent with the final approved project and shall consist, at a minimum of the following elements:
 - a. Restoration objectives to be satisfied by implementation of the plan.
 - b. Establish a 300-foot mining setback from the edge of the active channel or a 100-foot setback from the dripline of riparian growth along the south side of Coon Creek, whichever is greater.
 - c. With the exception of five designated cattle crossing areas, fence the entire Coon Creek corridor with 4-strand barbed wire fencing to remove cattle grazing and access from the corridor except as otherwise approved by DRC and only when such grazing is consistent with conservation and restoration objectives. The fence type shall be designed to restrict cattle movement but allow for wildlife movement. Cattle movement across Coon Creek

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may only occur for moving from one area of the site to the other. Coon Creek may not be used for instream watering purposes. The final management plan for Coon Creek may utilize grazing as a management tool in the riparian corridor only to the extent that the provision of such grazing helps meet or exceed the restoration objectives for the creek corridor.

- d. Within 2 years of the commencement of mining, remove and relocate the feedlot north of Coon Creek on the Hofman Ranch to reduce cattle concentration close to the creek.
- e. Eliminate arundo and control Himalaya blackberry within the Coon Creek corridor.
- f. Revegetate the Coon Creek corridor through active and passive revegetation. Active restoration shall be provided at a minimum of three sites (See Technical Appendix J10 of the FEIR). These areas will be planted within 2 years of the commencement of mining at the site. Passive restoration will occur naturally following the removal of cattle grazing.
- g. Tree replacement for oak trees and riparian vegetative losses due to construction and mining activities.
- h. Monitoring of the restoration of Coon Creek will occur annually for 5 years.

119. A letter of credit or cash deposit in the amount of 125% of the cost to monitor Coon Creek restoration activities shall be deposited with the Placer County Planning Department to ensure performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC prior to commencement of mining activities. The deposit will be returned at the conclusion of year 5 if 100% of the restoration objectives have been satisfied. Violation of any components of the approved monitoring program may result in enforcement activity in accordance with the Placer County Environmental Review Ordinance Section 31.870.

120. The operator shall construct a horizontal flow barrier to maintain water levels in the creek (FEIR see Technical Appendix R). To reduce potential infiltration from Coon Creek into the mining area, the operator shall place reclamation backfill, with an appropriate low permeability backfill material, directly against the mining slopes near Coon Creek. The design and construction of the flow barrier shall be submitted to DRC for review and approval and shall be depicted on the project's improvement plans. The material selected for the flow barrier shall be derived from a recommendation from a qualified expert familiar with the design of such barriers.

121. Coon Creek and its associated riparian habitat shall be defined as an open space or habitat conservation easement (Exhibit D). The boundaries of the easement shall be fenced and shown on the project improvement and mining plans. The area of the easement shall incorporate, in its entirety, the setback area of Coon Creek along the southern edge of the creek where it abuts the mining area (a minimum of 200 acres in area). The purpose of the easement is to protect and preserve the riparian corridor and associated wildlife habitat in perpetuity. A

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note shall be placed on the mining plans prohibiting any disturbance within the easement, except as follows:

- a. Those uses as identified and associated with the existing farming operations (except as otherwise prohibited by these conditions of approval, e.g., cattle grazing in the riparian corridor), mining and reclamation plans (i.e., bridge crossing, access to water pumps),
- b. The activities associated with the Coon Creek Riparian Habitat Restoration Plan,
- c. Potential educational uses,
- d. Activities that will provide protection of public health and safety,
- e. Flood control,
- f. Incidental operational considerations as applicable to any of the above.

Prohibited disturbances include the placement of any fill materials, grading or clearing activities, or vegetation removal with the exception of arundo, Himalaya blackberry or other noxious weeds, which is proposed to be removed as part of the Coon Creek Riparian Habitat Restoration Plan. There shall also be limitations on cattle grazing or watering except at designated crossing points. Managed grazing may be allowed where such grazing is consistent with the restoration and conservation objectives of the Coon Creek restoration plan. Trimming or other maintenance activities shall be allowed only for the benefit of fish, wildlife, fire protection, and protection of water resources and for the elimination of diseased growth, and only with the written consent of the DRC and DFG for a Streambed Alteration Agreement and/or the U.S. Army Corps of Engineers for Clean Water Act wetland permits. No maintenance activities may commence without evidence being provided of the necessary permits.

Ownership of the easement may be transferred to Placer County, DFG, a nonprofit land trust, or a similar organization.

122. Prior to construction of the conveyor bridge and the hardened bank overflow area, the operator shall obtain a Section 1603 streambed alteration agreement from DFG for any work to be performed within, or along, Coon Creek, whether or not riparian vegetation is affected. The permit shall be obtained and submitted to the DRC prior to any clearing, grading, or excavation work.
123. The operator shall install a temporary 4-foot-high, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the DRC) at the bridge location and at the location of the hardened bank overflow area prior to any construction equipment being moved onsite or any construction activities taking place adjacent to all riparian vegetation areas within 50 feet of any proposed construction activity. No bridge construction or hardened bank overflow construction shall be allowed until this condition is satisfied. Any encroachment within the areas specified above must first be approved by the DRC. No grading,

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clearing, storage of equipment or machinery, or similar activity shall occur until a representative of the DRC has inspected and approved all temporary construction fencing.

The locations of the fencing and a note reflecting fencing requirements shall be shown on the bridge plans and the plans for the hardened bank overflow area.

124. The proposed bridge to access the permanent plant site shall be placed so that it takes advantage of existing gaps in the riparian vegetation. If avoidance of existing riparian vegetation is not feasible, the loss of riparian vegetation shall be minimized by placing the bridge in an area where riparian vegetation is sparse. Any riparian trees or shrubs that are removed as a result of bridge construction shall be compensated for through the restoration of degraded riparian habitat elsewhere on the portion of Coon Creek that flows through the project site. Compensatory mitigation shall replace the area, function and value of the resources lost. Because riparian habitat can take multiple years to replace these functions and values, replacement shall exceed 1:1 in area (see below).

125. The operator shall obtain a tree removal permit from Placer County if any riparian tree will be removed within 100 feet of the centerline of Coon Creek. Placer County's Tree Ordinance requires that a project applicant obtain a tree removal permit for any tree(s) to be removed from a riparian zone.

Any riparian vegetation loss as a result of bridge construction or construction of a hardened bank overflow area shall be replaced onsite at a ratio of three compensation plantings (pole cuttings or similar) for every inch (dbh) of lost riparian tree or shrub species. Compensation riparian plantings shall be integrated into the Coon Creek Riparian Habitat Restoration Plan (FEIR Technical Appendix J10). Compensation plantings shall be monitored annually for a three-year period by a qualified biologist approved by Placer County. If in any year of the three-year monitoring period, fewer than 80% of the compensation plantings are alive and vigorous, replacement planting shall be performed to raise the survival rate to 80%. For every year that performance standards are not met, an additional year of monitoring shall be imposed.

Prior to any development activity, including grading, clearing, or other site disturbance, the operator shall identify trees 6 inches dbh or greater and multi-trunked trees 10 inches dbh or greater that are located within 50 feet of such activity. Trees identified for removal and/or trees with disturbance to their driplines shall be replaced onsite as part of the Coon Creek Riparian Habitat Restoration Plan (FEIR Technical Appendix J10). At a minimum, for each diameter inch of a tree removed, replacement shall be on an inch-for-inch basis. One hundred fifty of the oak trees to be planted as part of the Coon Creek Riparian Habitat Restoration Plan will be used and/or designated as mitigation oak trees. The monitoring and reporting program for these oaks will follow the recommendations in the Coon Creek Riparian Habitat Restoration Plan.

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126. A Mitigation Monitoring Implementation Program (MMIP) for the replacement of native oaks and other trees, prepared by an ISA certified arborist, Registered Forester, or Landscape Architect, shall be submitted to the Planning Department, in conjunction with the project's Improvement Plans for review and approval by the DRC. Said plan shall provide for the replacement of native oak trees at a one-to-one ratio and are to be planted by the operator as close as possible to the area of impact or as determined appropriate by the DRC in consultation with the operator. The Plan shall include a site plan that indicates the trees' location, installation and irrigation requirements and other standards to ensure the successful planting and continued growth of these trees.

Installation of all trees and irrigation systems must be completed prior to the County's acceptance of the project's improvements.

An annual monitoring report for a minimum period of 3 years from the date of installation, prepared by the above-cited professional, shall be submitted to the DRC for review and approval. Any corrective action shall be the responsibility of the operator.

Prior to the approval of the Improvement Plans, a Letter of Credit or cash deposit in the amount of 125% of the accepted proposal shall be deposited with the Placer County Planning Department to assure on-going performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC. An amount equal to the cost for administrative and program review by the County shall be paid to Placer County and deducted from this deposit before the balance is returned to the operator.

Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance, Article 18.28.080 (formerly Section 31.870). An agreement between the operator and County shall be prepared which meets DRC approval that allows the County use of this deposit to assure performance of the MMIP in the event the operator reneges. **(SR/CR/MMIP) (PD)**

127. A letter of credit or cash deposit in the amount of 125% of the cost to monitor shall be deposited with the Placer County Planning Department to ensure performance of the riparian impact monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC. The deposit will be returned at the conclusion of year 3 if 100% of the mitigation objectives have been satisfied. Violation of any components of the approved monitoring program may result in enforcement activity in accordance with the Placer County Environmental Review Ordinance Section 31.870.

128. The operator shall obtain the necessary Section 404 permits for all activities subject to the review and approval of the U.S. Army Corps of Engineers, and copies of the permits shall be provided to the Planning Department prior to conducting grading, clearing, or excavation or the operator shall obtain a determination that project activities are not within the jurisdiction of the Corps of Engineers.

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129. The operator shall implement the Mitigated Design Alternative Wetland Mitigation Plan (Technical Appendix Q of the FEIR) as modified to comply with the Clean Water Act Section 404 Permit. The mitigation plan describes the development of compensation wetland habitat onsite to mitigate for impacts on wetlands. The proposed mitigation plan includes avoidance of approximately 137.02 acres of the 141 acres of waters of the United States, including wetlands; onsite compensatory mitigation by in-kind and out-of-kind replacement of jurisdictional waters and associated wetlands, including seasonal wetlands, vernal pools, riparian woodland, and emergent marsh; and in-kind vernal pool mitigation for potential impacts on federally listed vernal pool invertebrate species or critical habitat regulated by the USFWS. The plan also identifies performance standards and monitoring requirements.
130. The operator shall establish wetland preservation easements on the wetland mitigation areas and fairy shrimp habitat preservation areas to protect and preserve onsite wetland habitats. These wetland preservation and creation areas shall be defined as a wetland preservation easement. The boundaries of the easement shall be marked with wood bollard posts and shown on the project improvement and mining plans. Figures 14-2 and 14-3 of the FEIR show the location of the areas that will have wetland preservation easements. A note shall be placed on the mining plans prohibiting any disturbance within the easement. However, cattle grazing is an acceptable use within the easement if allowed by the Corps, DFG and/or the FWS. Prohibited disturbances include the placement of any structures or fill materials, grading or clearing activities, or vegetation removal. Maintenance activities shall be allowed only for the benefit of wildlife, fire protection, and protection of water resources and for the elimination of diseased growth, and only with the written consent of the DRC. Ownership of the easement may be transferred to Placer County, DFG, a nonprofit land trust, or a similar organization subject to the review and approval of the DRC.
131. The operator shall design the restored vernal pools to replace the lost functions and values of the affected vernal pools, including the plant species dwarf downingia. Vernal pool soil from the two affected pools containing dwarf downingia will be collected and placed in the bottom of three designated restored vernal pools. To monitor the success of the three pools targeted for dwarf downingia, two existing and unaffected pools that contain the plant species will be monitored for comparison. Performance standards and remedial measures, if needed, will follow those included in the proposed wetland mitigation plan. The monitoring term shall be 5 years within a 10-year period following construction.
132. The operator shall implement the Special-Status Species Conservation Plan for Fairy Shrimp. (Appendix J8 of the FEIR, as modified to comply with the Section 7 consultation process for the federal Endangered Species Act). The plan identifies potential impacts on fairy shrimp and describes mitigation measures to ensure that the species' continued existence is not jeopardized. The plan includes:

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- a. preserving a minimum of 1.65 acres of suitable vernal pool habitat (a ratio of 3 acres of habitat preserved for every 1 acre directly or indirectly affected) in designated preservation areas,
- b. restoring at least 1.10 acre of new vernal pool habitat (2 acres of habitat restored for every 1 acre of habitat directly affected) in a designated mitigation area, and
- c. protecting this preserved and restored shrimp habitat in perpetuity.

The final ratio of replacement shall be consistent with the FWS' biological opinion on fairy shrimp. All pools will be monitored for 5 years within a 10-year period following construction.

133. A letter of credit or cash deposit in the amount of 125% of the cost to monitor shall be deposited with the Placer County Planning Department to ensure performance of the monitoring program for wetland, vernal pools and fairy shrimp mitigation. Evidence of this deposit shall be provided to the satisfaction of the DRC. The deposit will be returned at the conclusion of year 10 if 100% of the mitigation objectives have been satisfied. Violation of any components of the approved monitoring program may result in enforcement activity in accordance with the Placer County Environmental Review Ordinance Section 31.870.
134. Prior to initiation of ground-disturbing activities, all onsite workers will receive training on special-status species. The program will include a description of the vernal pool fairy shrimp, Valley Elderberry Longhorn Beetle, western burrowing owl and other special-status species and their habitat needs; their potential for occurrence in the project area; status and protection under the state and federal Endangered Species Acts; and the measures being taken to reduce impacts on the species during project construction and operation. This training will be repeated on a periodic, as-needed basis (e.g., when new personnel begin work or when previously trained personnel require a refresher).
135. The operator shall conduct an annual raptor survey for areas to be mined that year. The survey shall be conducted by a qualified biologist during spring or early summer (March-July). If an active nest is located within 0.25 mile of mining activity, the operator shall contact DFG immediately following the survey to determine the appropriate no disturbance buffer around the nest tree during the nesting season (approximately March-July) or postpone mining activities in the vicinity of the active nest until the young have fledged.
136. The operator shall conduct an annual western burrowing owl survey of areas to be mined that year. The survey shall be conducted by a qualified biologist. If an active nest site is located within 0.25 mile of mining activity, the operator shall maintain a 160-foot-wide no-

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disturbance area around the nest site or postpone mining activities in the vicinity of the active nest until after the owl breeding season (February-August).

If a pair of nesting owls is located during the annual survey, a permanent conservation easement shall be established on the project site to be used by burrowing owls. This mitigation area shall include a minimum of 6.5 acres of suitable foraging habitat and shall be managed to promote use of the site by burrowing owls.

If burrowing owls are located during the non-nesting period, passive relocation of owls to suitable habitat on the property not scheduled for mining activity may be conducted. Relocation efforts shall be coordinated with DFG and shall follow the mitigation guidelines outlined in the burrowing owl survey protocol and mitigation guidelines California Department of Fish and Game 1995).

137. The operator shall conduct annual surveys for tricolored blackbird populations. The survey shall occur on all lands within 1,500 feet of areas to be mined that year. The survey shall be conducted by a qualified biologist. If an active nesting colony is located that will be within 1,500 feet of proposed mining activity, the operator shall coordinate with DFG to determine the need for and size of a no disturbance buffer to be established around the colony until the young have fledged.

Any nesting colony found at the project site within 1,500 feet of an active mining phase will be monitored twice monthly by a qualified consultant throughout the breeding season (February 15 through July 31) to determine whether the no-disturbance buffer is providing adequate protection from mining activity. If monitoring results indicate disturbance of the colony, DFG will be consulted to reevaluate the size of the no-disturbance buffer.

138. The operator shall monitor the heron rookery site on Coon Creek twice monthly throughout the breeding season during Mining Phases 1 and 3 as depicted on Exhibit A when mining activities are within the buffer (distance of 800 feet or a distance determined through consultation with DFG) to determine whether the no-disturbance buffer is providing adequate protection from mining activity. If monitoring results indicate disturbance to the rookery, DFG shall be consulted to reevaluate the size of the no-disturbance buffer. If DFG recommends additional buffers during critical seasons, the operator shall comply with the DFG recommendation within 24 hours of being so advised.

139. The operator shall establish a no-disturbance buffer around the periphery of the heron and great egret rookery. The distance of the buffer shall be 800 feet or a distance to be determined through consultation with DFG. No mining will occur in the no-disturbance buffer during the breeding season (approximately February 15-July 31). When mining is being conducted in Aggregate Phases 1 and 3 as depicted on Exhibit B, the rookery will be monitored each year beginning on February 1 to determine the onset of the breeding season. Monitoring

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will continue through the end of the season to determine the success of the breeding effort and the date when the young birds fledge, after which time mining may resume.

140. The operator shall protect vernal pool and other wetland habitats from impacts from activities to convert non-prime farmland to prime agricultural land, as defined by the Williamson Act. The buffers shall be 250-foot-wide buffers around vernal pools and 50-foot-wide buffers around other jurisdictional wetlands or as is required by the wetland mitigation plan approved through the Section 404 process. Buffers around vernal pools shall be designed so that irrigation or other runoff from the surrounding agricultural land does not enter vernal pools. The installation of french drains or other structures may be required to prevent the surface or subsurface flow of irrigation or other runoff into preserved vernal pools (specifically, vernal pools downslope of agricultural operations).
141. In order to avoid impacts on salmonids, the operator shall construct the proposed bridge to the plant site to the following standard: a maximum 2 12' lanes, curb and a conveyor, double-span bridge using a single concrete pier in the center of the channel and two abutments on the banks. No concrete aprons or culverts, which have a high potential for creating a barrier to salmonid migration shall be permitted.
142. The operator shall limit in-channel bridge and hardened overflow construction to the period from May 1 to November 1 to avoid impacts on migrating species, including chinook salmon, steelhead, and lamprey.
143. The operator shall modify the existing flashboard dam on the Wilson property (APN 020-150-070) to include a fish passage device (e.g., a fish ladder) for providing adult and juvenile anadromous fish with safe passage over this structure. This condition shall be completed before issuance of a building permit, grading permit or commencement of mining, whichever is first. The fish passage structure shall be reviewed and approved, as deemed necessary, by DFG and the National Marine Fisheries Service.
144. The operator shall provide continuous surface-water monitoring at two locations along Coon Creek, one near the Hofman Bridge, and the other near the proposed haul road bridge. The purpose of the monitoring is to determine if supplemental water is necessary in Coon Creek to maintain flows.
145. The operator shall provide supplemental water to Coon Creek, if necessary, to offset any loss resulting from groundwater pumping (dewatering). If the results of monitoring indicate that groundwater pumping (dewatering) decreases flows in Coon Creek, the operator shall provide supplemental water to augment flows in Coon Creek. Measures to provide supplemental water include, but are not limited to, using Coon Creek to deliver NID water to the

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permanent plant site for aggregate processing or discharging groundwater from dewatering activities into the creek.

146. The operator shall provide the replacement water required by Condition No. 145 above in Coon Creek within 24 hours of a detected loss in order to avoid temporary significant adverse effects on fish and fish habitat. If water is not available within 24 hours, the operator shall immediately notify the County and present alternatives that will insure that there are no adverse affects on fish and fish habitat. The supplemental water is based upon the following guidance:
- a. If flow measured at the upstream end of the project site is less than 40 cfs and reduced streamflows attributable to mine seepage exceed 50% of the inflow to the project reach, replacement flow must be provided within 24 hours of the detected loss or within a time frame agreed upon the County.
 - b. Pumps and pipes of sufficient capacity will be kept in working order on the project site, or an agreement will be established with NID to ensure immediate delivery of up to 20 cfs at the point where substantial streamflow seeps into the streambed.
 - c. To ensure performance of the replacement flow, a letter of credit or cash deposit in the amount of 125% of the value of 2,000 acre-feet of water (based on NID costs) shall be deposited with the Planning Department.

CULTURAL RESOURCES

147. The operator shall avoid any possible cultural resource impacts at the "Hofman" compound (APN 020-150-027) or "Wilson" compound (APN 020-150-070) by providing archaeological surveys before any ground-disturbing activities are initiated. If any ground-disturbing activity is proposed at areas not depicted as being developed with mining, processing, or haul routes, the operator shall provide written evidence to the Planning Department that a qualified archaeologist has surveyed the area. If cultural resources are discovered, the archaeologist shall report such findings to the operator, the Planning Department, and the Department of Museums. Depending on the results of the survey, additional mitigation may be required and will be coordinated with the Planning Department and Department of Museums.
148. The mining and reclamation plans shall be designed and implemented to avoid impacts culturally significant sites CA-Pla-802, -803, and -804 so that no ground-disturbing activities will occur in or directly adjacent to these sites.
149. Prior to commencement of mining, the property owner shall dedicate to Placer County historical/cultural preservation easements to protect sites CA-Pla-802, -803, and -804 from ground-disturbing activity. Said easements shall be for the protection of any portion of the

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above-mentioned sites of the project that is determined by the DRC to be historically and/or culturally significant. The H/CPEs shall be managed in the following manner:

- a. Areas depicted on the plans for preservation of cultural resources shall be defined and field monumented (i.e., wood bollards or upright posts) as H/CPEs. The purpose of these easements is to protect and preserve the known cultural resource sites of significance. The limits of the easements shall be determined in the field by a qualified archaeologist and shall encompass the boundaries of sites CA-Pla-802, -803, and -804 along with a 100-foot-wide buffer.
- b. The operator shall install signs indicating "Sensitive Habitat" in areas around archaeological sites.
- c. No land disturbance of the easement, including storage of equipment or machinery, grading, utility construction, or landscaping, will be permitted. Any encroachment into this area, including landscaping, must first be approved by the DRC. Planting as proposed in the Coon Creek Riparian Habitat Restoration Plan will be acceptable; however, the DRC must first approve it.

150. The operator shall implement an explicit education program that alerts all employees to the nature of cultural resources in the region, the laws that protect them, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional. The program shall be implemented concurrent with mining operations.

151. If buried prehistoric or historic archaeological remains are uncovered during any onsite construction activities, the operator shall stop all work within 100 feet of the find and retain a qualified archaeologist to evaluate the find. Buried prehistoric archaeological sites typically contain concentrations of lithic material, such as flaked or ground stone, possibly including projectile points, blades, and grinding stones; shell artifacts such as beads and ornaments; bone; fire hearths with charcoal; and midden, which is a dark gray soil containing a large amount of organic material and ash. Historic sites typically contain concentrations of glass, such as bottle and window glass; metal, such as cans and wire; and building foundations or structural debris, such as bricks, lumber, and nails. The archaeologist shall evaluate the deposit within 15 days of the find and shall report any findings to the operator, the Planning Department, and the Department of Museums. The archaeologist shall work with the operator, the Planning Department, and the Department of Museums to determine appropriate actions that ensure proper protection of the resource. Any excavated finds shall be offered to a state-designated repository or to the Placer County Department of Museums for public education and interpretive displays.

If any discovery consists of human remains, the operator shall contact the Placer County Coroner and Native American Heritage Commission. Work in the area may proceed

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only after authorization is granted by the Placer County Planning Department. The operator shall place a note to this effect on the improvement plans and mining and reclamation plans for the project.

152. The operator shall develop and implement a program to train all personnel, monitor sensitive formations, and catalogue and curate collected fossils. This program shall be developed by a professional paleontologist. The professional paleontologist shall also give direction as to keeping paleontological finds confidential to prevent possible vandalism and theft.
153. The operator shall require all equipment operators to attend a 3-hour training class describing the geologic history of the rocks found at the project site and an additional 3-hour training class discussing the types of fossils that may be encountered in each of the geologic units, including hands-on identification. The classes shall be initiated within 30 days of the commencement of mining activities. A 2-hour update every year shall also be required. If no fossilized records are found within 10 years of the initiation of mining operations, the classes may cease. However, if fossil resources are found after cessation of classes, they shall again be initiated within 60 days of the finding.
154. A paleontological monitor shall be onsite during the first excavation that cuts into a new geologic unit, to monitor excavated material for paleontological resources and to inform operators about which resources may be found in the new unit (Figure 16-1 of the FEIR). Additionally, a paleontologic monitor shall perform fossil excavations.
- a. Paleontological monitoring shall be required for the Laguna Formation, Riverbank Formation, alluvium, and overburden. The monitor shall evaluate the site subject to an approved paleontological monitoring plan to be approved by the DRC. The monitoring plan shall describe the frequency and duration of monitoring. The monitoring plan shall be submitted for DRC review prior to any mining or grading activity that results in a disturbance to alluvium, overburden, Laguna Formation and Riverbank Formation. For this formation the monitor shall be present onsite approximately once a week when activities disturb these geologic units walk the area during and/or after excavations. The monitor shall focus on the recovery of possible fossil vertebrate and paleobotanical material.
 - b. Within the Ione Formation, fossilized wood will be stockpiled and designated as to the stratigraphic unit of origin. Fossil leaves, seeds, and nuts should be very common, and a good paleoflora may be collected tied to the stratigraphic unit from which they were found. After this, care shall be taken to retrieve only the best specimens or new specimens so that fossil curation and storage capacity is not overwhelmed. A few hours per week may be sufficient to build this collection. Once the collection is complete, only occasional spot-checking may be necessary. The monitor shall also be aware of the potential to find rare

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vertebrate fossils.

- c. Within the Chico Formation, paleontological monitoring shall be required to evaluate the potential for the site to yield paleontological resources. Prior to initiating ground disturbance activities, the operator shall submit a monitoring plan to the DRC for review and approval describing the frequency and duration of monitoring. All concretions within this formation shall be stockpiled as to the stratigraphic unit of origin. The Chico Formation will not be mined, and the proposed project does not include plans to excavate into this formation during the aggregate phases. However, in a portion of the granite phase, the Chico Formation will be excavated and stockpiled for backfill.
- d. Within the basement complex (Copper Hill Volcanics and Mesozoic granitic rock), monitoring is not necessary because this complex should be devoid of fossils.
- e. Occasional sediment collection shall be performed for microfossils when a paleontologic monitor deems it appropriate for (a) through (d) above. All paleontological findings shall be categorized and recorded. Copies of reports, photographs or paleontological findings shall be provided to the Department of Museums for review and/or storage. Important fossils shall be curated at the University of California Museum of Paleontology at Berkeley or the Sierra College Natural History Museum in Placer County and made available to experts for study.

155. The operator shall record the formation, age, locality, stratigraphic position, lithology, date of collection, and collector's name for each fossil collected. Additionally, each fossil shall have a field site number and scientific number assigned to it and painted in it or its container. All information shall be entered into a computer and be backed up and with hard-copy printouts. Important fossils shall be curated at the University of California Museum of Paleontology at Berkeley or the Sierra College Natural History Museum in Placer County and made available to experts for study. Duplicate fossils or fossils not of scientific interest shall be made available to other institutions. A portion of scientifically important fossil wood shall be saved for possible thin sectioning and study.

156. The operator shall prepare an annual monitoring report on the types of fossils recovered and identified onsite. Two copies of the report shall be prepared and submitted to the Planning Department and Department of Museums.

157. The operator shall stockpile all fossils found on the project site. Stockpiles shall remain separate piles until fossils can be catalogued and subsequently transferred to the County Museums Department, Sierra College Natural History Museum or the University of California Museum of Paleontology at Berkeley. Stockpiles can be placed anywhere at the site but shall remain out of the path of construction equipment.

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158. The operator shall provide a building or portion of a building that can be secured for storage, preparation, and study of fossils recovered at the site. The area of this site shall be a minimum of 500 square feet.

HAZARDOUS MATERIALS

159. In the event that any hazardous materials are illegally dumped on the project site by vandals, the operator shall dispose of the materials promptly following the procedures contained in the operator's business plan and to the satisfaction of DEH.
160. The operator shall monitor illegal entry and disposal of materials on an annual basis for 5 years. Annual reports shall be submitted to DEH documenting the number of disposal events, types of materials disposed of, and the disposal locations. If DEH determines that additional security is needed, the operator shall work with the Planning Department and DEH to identify and implement additional measures that will prevent public access to the site.
161. The operator shall continue to comply with DEH regulations regarding hazardous materials. Before the improvement plans are approved, the operator shall submit documentation to the Placer County Fire Department and DEH demonstrating that the proposed onsite aboveground fuel tanks (including associated discharge/intake hoses, or fittings) are designed and constructed to prevent leakage, and showing that all tanks have been moved onto impermeable slabs. All hazardous materials shall be stored above the 100-year floodplain.
162. Hazardous or extremely hazardous materials (as listed in 22 CCR 66680, 66685) shall not be allowed on any of the proposed project premises in quantities of 55 gallons, 500 pounds, 200 cubic feet compressed gas, or more, whichever is less, without notification being provided to PCDEH.
163. If, at any time during construction or operation of the proposed project, evidence of soil or groundwater contamination by hazardous materials as a direct result of the proposed project is encountered, the operator shall immediately stop work in the affected areas and contact the DEH Hazardous Materials Section. The project shall remain stopped in the affected areas until the contamination problem has been resolved to the satisfaction of DEH and the RWQCB. A note to this effect shall be added to the improvement and mining and reclamation plans, where applicable.
164. The operator shall prepare and implement a hazardous materials control and spill response plan to reduce the potential for impacts on aquatic life from spills of hazardous materials during construction. The plan will control the use of hazardous materials, such as petroleum-based products used in heavy equipment and other potentially toxic materials used

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during construction. The plan will be submitted to DEH for review and approval along with the project improvement plans. The plan will include, but will not be limited to, the following measures:

- a. Prevent raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses.
- b. Establish a spill prevention and countermeasure plan before project construction begins, including strict onsite handling procedures to keep construction and maintenance materials from entering drainages and waterways.
- c. Clean up all spills immediately according to the spill prevention and countermeasure plan, and notify DFG immediately of any spills and the cleanup procedures used.
- d. Provide staging and storage areas outside the stream's normal high-water area for equipment, materials, fuels, lubricants, solvents, and other possible contaminants. Remove vehicles from the normal high-water area of the stream before refueling and lubricating.
- e. Prohibit operation of equipment in flowing water except as necessary to construct barriers.
- f. A preliminary hazardous materials handling and spill response plan can be found in Technical Appendix K5 of the FEIR.

165. The operator shall prepare and implement a plan for handling hazardous materials in accordance with the requirements of Chapter 6.95 of the State Health and Safety Code. The plan will be reviewed and approved by DEH prior to any sales.

166. The hazardous materials business plan will identify procedures to protect the health and safety of persons, property, and the environment in the event of a release or threatened release of a hazardous material. These procedures will address the topics of release prevention (which includes storage criteria), inspection protocols, process equipment, transfer of chemicals, and employee training; notification and evacuation (which includes notification and evacuation of employees, as well as notification of emergency response agencies and neighbors); and emergency response protocols and cleanup procedures (which include employee training, first aid, equipment, storage and disposal of wastes generated, and reentry criteria).

167. The operator has prepared a final mining reclamation plan (Technical Appendix R of the FEIR for the project. The final mining reclamation plan includes control of mosquito populations through the use of vegetation management measures, water quality considerations, biological control, and chemical control. The lakes will be stocked with mosquitofish to act as the primary mosquito larvae predator and mosquitofish populations will be monitored. If mosquito populations reach nuisance levels, an EPA-approved pesticide could be applied from

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the lakes' shorelines or by boat to kill mosquito larvae. The operator shall coordinate all mosquito abatement activities with the mosquito abatement district.

168. The operator shall monitor the groundwater well at the permanent plant site for perchlorate resulting from Alpha Explosives (APN 020-150-043) contamination for the duration of this project including activities associated with the implementation of the site reclamation plan. If ongoing groundwater monitoring data collected at Alpha Explosives, under the supervision of the RWQCB and reported to DEH, indicate that the local groundwater gradient has changed and that the perchlorate contaminant plume is migrating toward the proposed potable water well, the operator shall implement a quarterly perchlorate monitoring program. The results of the monitoring program shall be submitted to DEH. Continuous modeling and monitoring of the groundwater shall occur throughout the life of this project, including implementation of the site reclamation plan. The monitoring/modeling program shall consist of the following elements:

- a. One new monitoring well shall be installed east of Alpha Explosives between Alpha Explosives and Coon Creek. The proposed location of this well shall be submitted to RWQCB staff for approval before installation, and this well shall be installed at least one year prior to commencing dewatering.
- b. Groundwater elevations in this monitoring well and in Alpha Explosives' monitoring wells MW-1, and MW-10 shall be monitored quarterly for at least a year before dewatering, and shall continue quarterly after dewatering begins.

The operator shall conduct continuous groundwater level and quality monitoring for perchlorate for the plant site drinking water well until the Alpha Explosives site is remediated to the satisfaction of the Central Valley regional Water Quality Control Board.

The drinking water well at the permanent plant shall be monitored for perchlorate as part of the monitoring program. If ongoing groundwater monitoring data collected at Alpha Explosives under the supervision of the Central Valley Regional Water Quality Control Board and reported to the Placer County Division of Environmental Health indicate that the local groundwater gradient has changed and that the perchlorate contaminant plume is migrating toward the proposed potable water well, the applicant shall implement quarterly perchlorate monitoring program.

If perchlorate is detected in the potable water well at or above the then-current action level set by the Department of Health Services, the well shall be abandoned in accordance with the appropriate regulations, unless the Central Valley Regional Water

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Quality Control Board or Placer County Division of Environmental Health determines that the well will be converted at the applicant's expense to a monitoring well. If it is determined that the potable water well must be abandoned, the applicant will develop a new well or secure alternative water supply.

169. Continuous monitoring of groundwater levels and quality shall be conducted between the permanent plant and Alpha Explosives until the perchlorate contamination on the Alpha site is cleaned up to the satisfaction of the Central Valley Regional Water Quality Control Board. Groundwater elevations at the Alpha Explosives monitoring wells 1 and 10 (MW-1 and MW-10) and a new monitoring well to be established between Alpha Explosives and Coon Creek, shall be monitored quarterly for at least one year prior to commencement of dewatering and shall continue after dewatering begins. The location of the new monitoring well shall be approved by the Central Valley Regional Water Quality Control Board.

If the water level in the new monitoring well (east of the Alpha site between Alpha and Coon Creek) is less than or equal to the elevation in MW-1 or MW-10 for two consecutive quarters, then an additional monitoring well shall be installed for the purpose of defining the groundwater gradient. The location of this additional monitoring well also shall be approved by the CVRWQCB.

If the groundwater gradient between MW-1 and the two new monitoring wells is southerly or easterly (i.e., the plume is moving towards the Teichert dewatering activities), then the owner must analyze the groundwater and the dewatering discharge quarterly for perchlorate.

If perchlorate is detected in any new monitoring well, (east of the alpha site between Alpha and Coon Creek), or there is significant increase in detection in MW -1 (significant as defined by the CVRWQCB), or perchlorate is detected in any amount in the dewatering discharge, the dewatering shall be discontinued until a contingency plan to halt perchlorate migration is formulated and approved by the Central Valley Regional Water Quality Control Board.

Note: Low levels of perchlorate, just above the detection limit, had been reported on MW - 1 prior to the Teichert project approval. Therefore, a significant detection (change) may be an indicator of contamination movement. The intent of the detection conditions is to identify if perchlorate is moving towards Teichert due to dewatering activities.

170. Prior to operation of the settling ponds, the operator shall submit a written plan containing operational details to ensure settling pond levels are maintained at or above surrounding groundwater levels or otherwise managed to result in insignificant modification to movement of groundwater in relationship with the Alpha Explosives contamination. The plan shall remain in effect until the Alpha Explosives site is remediated to the satisfaction of the Central Valley Regional Water Quality Control Board.

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BLASTING

171. The operator shall comply with the recommendations of Appendix L of the FEIR regarding the minimization of blast vibration, the imposition of airblast limits, the recordation of airblast and vibration, the documentation of blasts, the prevention of flyrock, and the reduction of airblast as noted below. The operator shall hire or contract with a qualified noise and vibration engineer and/or blasting engineer to perform the monitoring tasks.

- a. **Blast vibration limits.** The operator shall use current best available technology to keep blast-related vibration at offsite residential structures as low as possible consistent with blasting safety. In no instance shall blast vibration, measured on the ground adjacent to residential structures, be allowed to exceed the frequency-dependent limits specified in the Alternative Blasting Level Criteria contained in U.S. Bureau of Mines (USBM) Report of Investigations 8507 and shown in the FEIR (Figure 18-2 in Chapter 18, Blasting.)
- b. **Airblast limits.** The operator shall use current state-of-the-art technology to keep airblast at offsite residential structures as low as possible. In no instance shall airblast, measured at a residence, be allowed to exceed the 0.013-psi (133-dB) limit recommended in USBM Report of Investigations 8485.
- c. **Recording airblast and vibration.** The operator shall record airblast and vibration for the development blasts and for the first several production blasts for the granite mining phase to determine specific levels from the blasting schemes and orientations chosen and to verify that those levels are within the recommended limits. Blasting seismographs shall be used that contain three channels that record in three mutually perpendicular axes and have a fourth channel for recording airblast. The frequency response of the instrumentation shall be from 2 to 250 Hertz (Hz) with a minimum sampling rate of 1,000 samples per second per channel. The recorded data must be such that the frequency of the vibrations can be readily determined.

The recording shall take place at the nearest offsite residential structure for the granite mining phase. If vibration levels are expected to be lower than those required to trigger the seismograph at that location, or if permissions cannot be obtained to record at that location, recording shall be accomplished at some closer site in line with the structure. Specific locations and distances shall be properly documented so that attenuation rates can be calculated.

Following the first several production blasts recorded for the granite mining phase, if airblast and vibration are found to be in agreement with the blasting report and are below the recommended limits no further monitoring is required for one year. At the anniversary of the first monitoring activity, the operator shall initiate annual monitoring to record airblast and vibration consistent with the protocol described above.

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The results of the monitoring activity shall be submitted to the DRC for review. Additionally, if any significant changes to the blasting program are made that would increase the airblast or vibration levels, monitoring of several subsequent blasts is required.

If monitoring activities depict a condition where blasts are out of compliance with the standards contained in this conditional use permit, all blasting activities shall cease and a revised blasting plan and schedule shall be submitted to DRC for review and approval. The DRC shall provide a response to the operator within 2 weeks. The revised blasting plan shall describe methods to determine how the blasting activities can be brought into compliance. The revised blasting plan shall be implemented and monitored as described above. If the monitoring report of the revised blasting plan describes the blasts as being in compliance, routine, production blasting may then resume.

- d. Documentation of blasts. All blasts shall be adequately documented on a blast report form that is approved by the DRC. The form must contain enough information to enable a reasonably experienced blaster to adequately reproduce the blast, including its location, orientation, and the initiation sequence and timing. All blast report forms and monitoring records shall be kept on file by the operator and will be available at all times by Placer County staff.
- e. Prevention of flyrock. Flyrock (i.e., pieces of rock thrown into the air by blasting) shall be controlled through the use of proper blast design. Occasional flyrock shall not be cast more than half the distance to the nearest permit boundary, and in no instance shall flyrock be cast off the permitted property. Where practical, blasts will be oriented such that the free face of the bench faces away from the eastern property boundary when blasting in the vicinity of that boundary. Rock heave and casting (projection of loose rock) in a properly designed and executed blast will always be in front of the free face.
- f. Reduction of airblast. In addition to affecting flyrock, the orientation of benches to face away from eastern boundaries will tend to direct mid-frequency airblast from face movement away from residential structures east of the property. Consistent with other constraints, such as blasting safety, blast progression along the face shall be kept at or below the speed of sound. This will help to minimize low-frequency airblast from face movement.

172. The operator shall notify area residences and Placer County Cemetery District #1 of the blasting schedule and adjust the blasting schedule as necessary. The operator shall establish a procedure, to be approved by the DRC, to notify all residents within 1 mile of the active granite mining phase boundary of the facility and Placer County Cemetery District #1 of the blasting schedule. Notification will be by direct mail with copies to the Planning Department.

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On a monthly basis the operator shall notify a representative of Placer County Cemetery District #1 of the proposed blasting schedule. If the cemetery district informs the operator 24 hours or more in advance of a funeral service to be conducted, the operator shall adjust the blasting schedule to ensure that no blasting or noise-generating activities take place within 0.5 mile of Manzanita Cemetery for a 3-hour period while funeral services are conducted or until such time that it is readily apparent that funeral services have concluded.

173. The operator shall comply with the Placer County General Plan standards for airblast and vibration by using best available technology and methods to reduce airblast and vibration. The operator shall comply with Placer County General Plan Policy 9.A.5 and limit airblast at the nearest residences to a peak linear overpressure of 122 dB and a CNEL-C value of 60 dB. The operator shall employ current best available technology and blasting methods to keep airblast and vibration at offsite residential structures as low as possible consistent with blasting safety. Blasting methods shall include the following:

- a. When feasible, orient benches to face away from the eastern boundary to direct midfrequency airblast away from residential structures east of the property;
- b. Limit blast progression velocity along the working face to less than one-half the speed of sound;
- c. Reduce the weight of explosive per delay;
- d. Modify the explosive confinement;
- e. Use time-delay detonation to reduce the overall detonation to a series of smaller, discrete explosions; and
- f. Adjust the distance between blast locations and sensitive uses where blasts may possibly exceed blasting limits for airblast and vibration;

In no instance shall blast vibration, measured on the ground adjacent to residential structures, be allowed to exceed the frequency-dependent limits specified in USBM Record of Investigations 8507.

174. If blasting is proposed within 1,000 feet of Coon Creek, the operator shall employ blasting protocols that limit peak particle velocity (ppv) produced by the blasting to levels developed and recommended by the Canadian Department of Fisheries and Oceans (DFO) (1994). Tables 18-3 and 18-4 of the FEIR indicate estimated setback distances needed to comply with DFO guidelines during all months of any year. These guidelines have been developed to protect fish and fish eggs from injury resulting from buried explosives and are based on explosives buried in rock. Actions that the operator could take to limit peak particle velocities to recommended levels include the following:

- a. Reducing the weight of explosive per delay;

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- b. Modifying the explosive confinement;
- c. Using time-delay detonation to reduce the overall detonation to a series of smaller, discrete explosions; and
- d. Adjusting the distance between blast locations and Coon Creek.

After modifying one or more of the parameters listed above (e.g., weight of explosives, type of explosive confinement, and setback distance), the operator shall calculate the peak particle velocity from the DFO equations to determine whether the adjusted values will avoid impacts on fish.

OR

Conduct stream surveys in Coon Creek prior to blasting if blasting is proposed within 1,600 feet of Coon Creek. If it is infeasible for the operator to meet DFO guidelines as outlined above, the operator shall implement the following measures:

- e. To avoid significant adverse impacts during chinook salmon spawning and egg incubation, stream surveys will be conducted if blasting is proposed within 1,600 feet of Coon Creek during October and February. From October 1 through December 15, a qualified fisheries biologist will conduct biweekly (i.e., once every two weeks) stream surveys within 1,600 feet of any proposed blasting site to determine the presence of chinook salmon nests (i.e., redds). If redds are present during any survey, the criteria included in Table 18-4 of the FEIR will be applicable through February. This condition may be discontinued if stream surveys over 5 consecutive years do not detect the presence of chinook salmon redds within 1,600 feet of any future blasting site.
- f. To avoid significant adverse impacts on steelhead spawning and egg incubation, stream surveys will be conducted if blasting is proposed within 1,600 feet of Coon Creek. From February 1 through April 30, a qualified fisheries biologist will conduct biweekly stream surveys within 1,600 feet of any proposed blasting site to determine the presence of steelhead nests (i.e., redds). If redds are present during any survey, the criteria included in Table 18-4 of the FEIR will be applicable through June 30 or until average daily water temperature exceeds 65 degrees F as measured in Coon Creek at the upstream end of the project site. This condition may be discontinued if stream surveys over 5 consecutive years do not detect the presence of steelhead redds within 1,600 feet of any future blasting.
- g. To avoid significant adverse impacts on juvenile or adult steelhead and chinook salmon, stream surveys will be conducted for Coon Creek if blasting is proposed within 550 feet of Coon Creek. A qualified fisheries biologist will conduct monthly stream surveys that may include direct observation or electrofishing techniques of appropriate study design. If juvenile or adult steelhead or chinook salmon are present during any survey, the criteria included in Table 18-3 will be applicable. Surveys will be conducted unless daily average

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water temperature exceeds 75 degrees F as measured in Coon Creek at the upstream end of the project site. Release of hatchery-produced juvenile chinook salmon and steelhead by DFG negates the need for these surveys.

175. To eliminate the potential for disturbance of nesting raptors, the operator shall conduct an annual survey of the areas to be mined in the following year and surrounding area (0.5-mile area around the mining site) to determine the presence of nesting raptors before blasting occurs. The survey is to be conducted only if blasting is required during the raptor breeding season (March through July). If future surveys detect nesting raptors on the project site, the nest tree will be fenced and a no-disturbance buffer will be established until nesting activity is completed. The distance of the no-disturbance buffer will be determined in consultation with DFG.

RECLAMATION

176. The operator shall comply with all applicable provisions of Section 17.56.270 of Placer County Code related to the operation of the mine and reclamation of the site (Zoning Ordinance).
177. The operator shall implement the Reclamation Plan described in further detail in the following Technical Appendices of the FEIR: A3, D1, H1, H2 and R. Appendix R, the "Mining Reclamation Plan for the Teichert Lincoln Aggregate Facility, Alternative 2", shall be modified to reflect the final project description approved by this action. (A summary of the reclamation plan can be found on Exhibit B) Any modifications to Appendix R or other elements of the FEIR's Technical Appendices related to reclamation shall first be reviewed and approved by DRC and DOC prior to commencement of any mining activity. The operator shall compensate the County for all costs associated with the review and approval of any modifications to the reclamation plan. Reclamation activities shall occur concurrent with mining activities and shall be consistent with the phasing depicted in Technical Appendix R, Figures 5b-5l and with the phasing described in Condition 1. At a minimum, reclamation activities shall include the following:
- a. **Agricultural Area** – The operator shall restore 244 acres of land mined for aggregate to be suitable for agricultural production consistent with the Department of Conservation and Natural Resource Conservation Service definitions for "prime farmland". The permanent plant site (76 acres) shall be reclaimed to grazing or similar uses.
 - b. **Open Water** – Two lakes (222 and 123 acres respectively).
 - c. **Emergent Marsh** – Variable widths of emergent marsh habitat shall be installed along the shorelines of the two open water lakes.

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- d. **Riparian** – Variable widths of riparian habitat shall be created above the emergent marsh along the fringe of the two open water lakes. Riparian habitat is also to be established along the fringe of the granite lake at the cessation of mining activities in this area.
- e. **Upland Savannah** – The sloped areas between the created or enhanced riparian habitat and existing upland area shall be restored as upland savannah. Establishment of upland savannah shall include the establishment of grasslands, shrub understory and oak woodland overstory with an emphasis on valley oaks.
- f. **Vertical or Nearly Vertical Banks** – No reclamation activities warranted other than the establishment of upland savannah at the bank edge.

178. The operator shall provide habitat or agricultural conservation easements on the following reclaimed areas of the mining area and plant site, consistent with the final reclamation plan:

- a. The reclaimed agricultural land within the aggregate mine area - 244 acres to be phased in concurrent with the reclamation of the aggregate mine.
- b. The reclaimed agricultural land within at the plant site - 76 acres to be encumbered after the plant site operation is closed.
- c. The reclaimed wildlife habitat within the aggregate mine area - 107 acres to be phased in concurrent with the reclamation of the aggregate area.
- d. The reclaimed lake at the granite mining area - 123 acres to be protected at the time the mine operations cease.
- e. The reclaimed lake at the aggregate mining area - 222 acres to be protected at the time the mine operations cease.

The draft conservation easement language shall be provided to the DRC for review and approval a minimum of 60 days prior to the time the easement is required.

179. On January 1 of each year of the mining, processing and reclamation operations, the operator shall provide to Placer County a deposit, sufficient to cover one-half the cost of an Associate Planner at Step E (or equivalent position) salary including salary adjustments, cost of living increases, benefits, indirect costs and overhead. The deposit shall be based upon the following calculation: The first deposit shall equal 50% of the salary of an Associate Planner. Year two shall equal 50% of the salary of an Associate Planner but any remaining funds from year one may carry over. Year three shall equal 50% of an Associate Planner but any remaining funds from year one or two may carry over. Year four and all subsequent years shall be based upon the average cost of years 1-3. Furthermore, on January 1 of each year the operator may recalculate the average deposit based upon a sum of all prior years of monitoring. In no case shall the deposit be less than 10% of the salary and benefits of an Associate Planner (Step E).

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For any year, if costs exceed the annual deposit, the operator shall provide additional funds on a time and material basis. Remaining funds from the prior years may count toward each new year's deposit.

The Associate Planner shall be responsible for monitoring the project for all mining, processing and reclamation phases.

180. All berms constructed around the permanent plant site shall be removed within 6 months of the completion of processing activities authorized by this CUP. The berm areas will be reclaimed consistent with the final reclamation plan for the project in order to restore 100-year floodplain conditions on the plant site.
181. Reject piles shall be utilized for reclamation activities or may be transported offsite for fill material. Reject piles may not exceed a height of 45 feet.
182. The operator shall provide an acceptable financial assurance mechanism for the entire project after year one consistent with Section 2773.1 of SMARA and may take the form of one or more of the following:
- a. Surety bonds
 - b. Trust funds
 - c. An irrevocable letter of credit
 - d. Other financial assurance mechanisms that have Department of Conservation and Placer County approval

The financial assurance mechanism shall assure reclamation of mined lands in accordance with the approved reclamation plan, including: (1) areas scheduled for disturbance in the next year; and (2) areas not successfully reclaimed pursuant to the approved reclamation plan.

The amount of the financial assurance must be adequate to ensure that the County or DOC can reclaim, pursuant to the approved reclamation plan, the mined lands (as defined by SMARA Section 2729).

The financial assurance mechanism shall be made payable to Placer County and Department of Conservation. The operator shall be responsible for the maintenance of financial assurances for the duration of the project (including idle periods or extended monitoring periods), until the reclamation is completed, pursuant to the approved reclamation plan and Placer County has approved the release of the assurances.

The amount of the financial assurance shall be reviewed annually by the County and the operator and, if necessary adjusted to reflect changes in: (1) the cost of reclamation (as reflected in the Construction Cost Index or other generally used index), pursuant to the approved reclamation plan; (2) lands reclaimed in the previous year to the satisfaction of the lead agency;

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and (3) lands to be disturbed in the next year. In addition, when the approved reclamation plan is amended, and the amendment is approved by the County, after DOC review, financial assurances are to be adjusted accordingly.

The financial assurance must be approved by the Planning Department, after DOC review, prior to the start of any mining activities. The financial assurance should be submitted after DRC approval of the final reclamation plan.

The operator shall offer to the Planning Department a financial assurance for its approval and the DOC must have the opportunity to review the financial assurance 45 days prior to such approval.

183. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands completed in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the next calendar year, provided that the operator may not claim credit for reclamation scheduled for completion during the coming year. Proposed adjustments to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. If adjustments to the financial assurances are not required, the operator shall explain, in writing, why adjustments are not required.

Financial assurances will be required to ensure compliance with elements of the reclamation plan including but not limited to revegetation and landscaping requirements; restoration of aquatic or wildlife habitat; restoration of water bodies and water quality; slope stability and erosion and drainage control; disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the plan shall be monitored by the Planning Department.

- a. The amount of financial assurances shall be based on the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for new lands to be disturbed by surface mining activities in the upcoming year.
- b. Cost estimates shall be prepared by a licensed engineer and/or other qualified professionals retained by the operator and approved by the planning director. The estimated amount of financial assurance shall be based on an analysis of physical activities necessary to carry out the approved reclamation plan, the unit costs for each activity, the number of units of each activity, and the actual administrative costs.
- c. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not

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be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the mine operator.

- d. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the county or state may need to contract with a third party commercial company for reclamation of the site.

184. The reclamation plan shall be modified prior to project commencement in order to identify the beginning and expected ending dates for each reclamation phase pursuant to Section 17.56.270(G)(4) of the Zoning Ordinance.

185. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required). The financial assurances shall be released upon satisfactory performance.

186. Pursuant to Section 17.56.270 of the Zoning Ordinance, the operator shall submit annual reports including but not limited to the following:

- a. County Report to State. By July 1, of each year, the Planning Department shall submit to the California Department of Conservation a copy of any conditional use permit or reclamation plan amendments, as applicable, for the active or idle mining operation, or a statement that there have been no changes during the previous year.
- b. Report by Surface Mine Operators. The operator shall forward an annual status report to the California Department of Conservation, Department of Public Works and the Planning Department on a date established by the California Department of Conservation, on forms furnished by the State Mining and Geology Board.

187. The operator shall coordinate with the Planning Department to arrange for inspection within six months of receipt of the annual report. The periodic inspection shall be required to determine whether the surface mining operation is in compliance with the approved conditional use permit and/or reclamation plan, financial assurances, and the state regulations. Required inspections may be made by a California state-registered geologist, state-registered civil engineer, state-licensed landscape architect, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists selected by the planning director and retained by the County. All inspections shall be conducted using forms provided by the California State Mining and Geology Board. Failure by the operator to allow a required inspection shall constitute grounds for revocation of the permit pursuant to Section 17.62.260 (Permit revocation).

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188. Within ninety (90) days of a surface mining operation becoming idle (as defined by Section 17.04.030 of the Zoning Ordinance), the operator shall submit, and the Planning Department shall process, a proposed interim management plan (IMP). The proposed IMP shall comply with the requirements of California Public Resources Code Section 2770(h), and shall describe measures the operator will implement to maintain the site in compliance with SMARA, including but not limited to all conditions of this conditional use permit for surface mining and/or the reclamation plan.
189. Amendments to the final approved reclamation plan may be submitted to the planning director, detailing proposed changes from the original plan. Deviations from the original plan that are determined by the Director of Planning to be substantial shall not be undertaken until such amendments have been reviewed and approved by the granting authority for the original reclamation plan, through the same procedure used for the initial approval.
190. Reclamation plans, reports, applications, and other documents submitted to the County are public records, unless it can be demonstrated to the satisfaction of the Director of Planning that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion, and is entitled to protection as proprietary information.
191. If the Director of Planning determines, based upon an annual or other inspection that the mining operation is not in compliance with this section, the approved conditional use permit, and/or the reclamation plan, the County shall follow the procedures set forth in California Public Resources Code Section 2774.1 and Section 2774.2 concerning violations and penalties, as well as the provisions of Article 17.62 of the Zoning Ordinance that are not preempted by SMARA. (Ord. 5126-B (part), 2001)

OTHER

192. All vehicle scales shall be subject to the inspection and seal of the Agricultural Department for scale accuracy prior to commercial use. Subsequent inspections shall occur on an as needed basis as determined by the Agricultural Department.
193. The operator shall submit a solid waste management plan to Environmental Health Services before building permit approval. A plan form specifying required information can be obtained in the Environmental Health Services office.
194. The operator will require that contractors and subcontractors for onsite construction activities exercise their option to obtain a Board of Equalization sub-permit for the job site and allocate all eligible use tax payments to Placer County. Prior to any construction on-site, the operator will require that the contractor and subcontractors provide Placer County with

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either a copy of the sub-permit or a statement that use tax does not apply to their portion of the job.

195. The operator shall pay the Placer County capital facility impact fee. Building permits associated with this project shall be subject to payment of Placer County Facility Impact Fees (Ordinance #47-69-B, Chapter 38, of the Placer County Code). The current fee is ~~\$329.34~~\$410.00 per 1,000 square feet of building space; however, the actual fee paid will be that in effect at the time of payment. The fee shall be computed the basis that the sum of all facilities equals 3 acres (i.e., 130,680 sq. ft.) of industrial building space. The fee, if paid today, would be ~~\$43,038.00~~\$53,578.80.
196. Pursuant to Article 17.62.100, formerly Section 35.160 of Chapter 30, of the Placer County Code, the operator shall pay all costs associated with any code enforcement action that is directly related to this project or the property upon which the project is located. Cessation of mining or processing activities may be required and no other County permits may be issued until such costs have been paid to the satisfaction of the Code Enforcement Division. **(CR) (PD)**
197. The operator shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer (County), the County Planning Commission, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded by a court, arising out of or relating to the processing and/or approval by the County of Placer of that certain development project known as Teichert Aggregate Facility – Lincoln (the Project). The operator shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the operator shall execute an indemnification agreement.
198. The operator shall provide conservation and open space easements as described below and as depicted on Exhibit D. These easements are required by other conditions of approval and are summarized here as to purpose, location, area and when required:

Open Space Type	Area (ac)	Term/Mode of Protection	When Protected	Condition Number
Radovich	159	Deed Restriction	Prior to the initiation of blasting	3029
Reclaimed Agricultural Land (1)	244	In perpetuity easement	Phased in with reclamation in the	4443

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			aggregate area	
Reclaimed Grazing Land	76	In perpetuity easement	Post-project	<u>477178</u>
Reclaimed Wildlife Habitat (2)	107	In perpetuity easement	Phased in with reclamation in the aggregate area	<u>477178</u>
Reclaimed Lake Granite	123	In perpetuity easement	Post-project	<u>477178</u>
Reclaimed Lake Aggregate	222	In perpetuity easement	Post-project	<u>477178</u>
Converted Prime Agriculture Land	461	In perpetuity easement	Phased in as prime land is converted	<u>4645</u>
Coon Creek Riparian Habitat Corridor	200	In perpetuity easement	Concurrent with initiation of mining	121
Wetland Creation/Fairy Shrimp Habitat	510	In perpetuity easement	Prior to fill of the wetlands	130

199. The fees required to be paid for fire equipment and noise meter funding in accordance with Section 3.3.3.3 and 3.3.3.4, respectively, of the Development Agreement between the County and Teichert, Inc., for the Teichert Aggregate Facility, dated February 4, 2003, shall be subject to annual adjustment based upon the State of California, Department of Industrial Relations Consumer Price Index for West Coast All Urban Consumers (the "CPI"). Adjustment to each fee shall be made annually, with the first adjustment effective July 1, 2004, and on each July 1 thereafter, based upon the change in the CPI over the immediately preceding twelve (12) month period.

EXERCISE OF PERMIT

200. The operator shall have 24 months to exercise this Conditional Use Permit/Variance (see also Article 17.58.160, formerly Chapter 30, Section 20.160 B.2. of the Placer County Code). Unless exercised, this approval shall expire on February 4, 2005. The project will be considered exercised when one or more of the following events occur:

- a. Installation and/or operation of the rock plant, asphalt plant or readymix plant.
- b. Commencement of mining

In the event litigation is initiated by any party other than Teichert that challenges the issuance of CUP-2781, VAA-3806 or the environmental document upon which the approvals are based, Teichert may request the time period in which to exercise these approvals be tolled. The tolling shall commence upon receipt by the County of written notice from Teichert invoking this right to tolling. The tolling shall terminate upon the earliest date either that a final order is issued in said litigation that upholds the approvals of that said litigation is dismissed with prejudice by all plaintiffs.

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The applicant shall have 24 months to exercise this Extension of Time for the Conditional Use Permit and Variance. Unless exercised, this first Extension of Time approval shall expire on December 21, 2010.

On October 19, 2008, the Placer County Board of Supervisors adopted Ordinance 5624-B, which extended the time period for exercising all then valid County permits and variances that were not associated with subdivision maps. As a result, the expiration date for the Teichert project was extended to December 21, 2012.

The applicant shall have 12 months to exercise this Extension of Time for the Conditional Use Permit and Variance. Unless exercised, this second Extension of Time approval shall expire on December 21, 2013.

EXHIBITS

- Exhibit A: Supplemental Entitlement Detail - Project Description dated January 31, 2002
- Exhibit B: Mining Plan
- Exhibit C: Reclamation Plan
- Exhibit D: Conservation Easement Summary
- Exhibit E: Mining and Processing Setbacks

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