

Resolution Number _____

County of Mendocino
Ukiah, California
DECEMBER 7, 2017

UR_2016-0002 SYAR INDUSTRIES, LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A SURFACE MINING USE PERMIT RENEWAL/MODIFICATION OF USE PERMIT #U 10-95 AND RECLAMATION PLAN AMENDMENT TO ALLOW FOR: EXTRACTION OF UP TO 200,000 CY/YEAR OF IN-SITU AGGREGATE; IMPORTATION OF UP TO 40,000 CY/YEAR OF RECYCLED ASPHALT, CONCRETE, AND/OR OTHER AGGREGATE MATERIALS, AND UP TO 10,000 CY/YEAR OF SOIL; PROCESSING OF A MAXIMUM OF 220,000 CY/YEAR OF VIRGIN AND RECYCLED MATERIALS; PRODUCTION OF UP TO 348,000 CY/YEAR OF FINISHED PRODUCT; AND A MAXIMUM CUMULATIVE TOTAL OF 6,000,000 CY OF EXTRACTED MATERIAL OVER A 30 YEAR PERIOD.

WHEREAS, the applicant, Syar Industries, LLC, filed an application for a Surface Mining Use Permit Renewal/Modification and Reclamation Plan Amendment of Use Permit #U 10-95 with the Mendocino County Department of Planning and Building Services to increase the annual permitted extraction (in-situ) volume from 75,000 CY/year to 200,000 CY/year, allow for importation of 40,000 CY/year of recycled materials (reclaimed asphalt and concrete) and 10,000 CY/year of soil, increase the maximum processing volume from 75,000 CY/year to 220,000 CY/year, and allow for a maximum cumulative total of 6,000,000-CY of material to be extracted over a 30 year period. The site is located 3.5± miles north of Cloverdale and 10± miles south of the community of Hopland, with the site entrance situated 0.25 miles east of Highway 101. The quarry is located approximately 1 mile northeast of the site entrance via a private haul road, at 24951 Geysers Road (CR 101A). APNs 050-350-23, -24; 050-410-40, -41; 050-450-26; 050-460-05, -06, -07, -09, -11, and -20; General Plan RL160; Zoning RL-160; Supervisorial District 5; (the "Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on November 9, 2017 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on 12/7/2017, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, based on the evidence in the record before it, that the Planning Commission makes the following findings:

1. The proposed project, which includes increased annual extraction (in-situ) volume of 200,000-CY/year, importation of 40,000 CY/year of recycled materials (reclaimed asphalt and concrete) and 10,000-CY/year of soil, increased maximum processing volume of 220,000 CY/year, and a maximum cumulative total of 6,000,000 CY of material to be extracted over a 30 year period, is in conformity with the General Plan and is consistent with the intent of the Range Lands (RL) classification.

Continued mining activities, subject to the recommended conditions of approval of this use permit modification/renewal and reclamation plan amendment, would not conflict with general plan policies.

2. The proposed project is in compliance with the development standards of Mendocino County Codes and the Rangeland (RL) District. The project is a permitted use within the RL District, subject to a major use permit.
3. The proposed project is compliant with Mendocino County Surface Mining and Reclamation Ordinance (Chapter 22.16) and the California Surface Mining and Reclamation Act (SMARA) and would leave the mined land in a usable condition which would be environmentally safe and readily adaptable for appropriate alternative land use.
4. The proposed project would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA), as conditioned by this permit. An IS/MND has been prepared for the project pursuant to CEQA.
5. The proposed project would not have any adverse impacts on any known archaeological or paleontological resource, as there are no known resources within the project site.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed project. The proposed project would not substantially increase the amount of travel on the public roadway and would not generate a substantial amount of solid waste.
7. As conditioned, the proposed project would not result in impacts to watercourses and potential seasonal wetlands (Waters of the U.S.) identified on the project site, and would protect sensitive habitats and potentially present special status species.
8. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted and are included under the IS/MND. These mitigation measures would assure the project would not result in impacts to sensitive habitat areas or potentially present special status species and are included as conditions of approval.
9. The proposed project minimizes construction of new roads and other facilities by utilizing the existing access. No new roads or other facilities would be constructed under the project.
10. The proposed project ensures the adequacy of water, waste water disposal, and other services, since no additional development is proposed under the project.
11. The proposed project ensures the preservation of the rural character of the site, since no additional development is proposed under the project.
12. The proposed project ensures existing land use compatibility by maintaining productivity of on-site and adjacent range lands. Once mining operations are completed at the site, the site would be reclaimed. The end use of the site would be range land and the existing access roads would remain in place for ranch use after mining operations are completed.

13. After circulation of the proposed Mitigated Negative Declaration for the project, California Department of Fish and Wildlife (CDFW) provided comment on the proposed mitigations for several identified resources within the project site. As a result of the CDFW comments, revised mitigation measures are recommended. The proposed revised mitigation measures are equivalent and more effective in mitigating or avoiding potential significant impacts from the proposed project and, in itself, will not cause any potentially significant impacts on the environment.

14. Use Permit Findings:

- a. That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan.
- b. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- c. That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.
- d. That such use preserves the integrity of the zoning district.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Surface Mining Use Permit Renewal/Modification and Reclamation Plan Amendment, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken. The permit shall become effective after the ten (10) working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Interim Director

MADELIN HOLTKAMP, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

UR_2016-0002
DECEMBER 7, 2017

Surface Mining Use Permit Renewal/Modification and Reclamation Plan Amendment of Use Permit #U 10-95 to allow for: extraction of up to 200,000 CY/year of in-situ aggregate; importation of up to 40,000 CY/year of recycled asphalt, concrete, and/or other aggregate materials, and up to 10,000 CY/year of soil; processing of a maximum of 220,000 CY/year (crushing, screening, and sorting) of virgin and recycled materials; production of up to 348,000 CY/year of finished product; a 30 year term for the entitlement; and a minimum 35 year term for the reclamation plan to account for post-reclamation monitoring until success criteria are achieved.

APPROVED PROJECT DESCRIPTION: Surface Mining Use Permit Renewal/Modification and Reclamation Plan Amendment of Use Permit #U 10-95 to allow for: extraction of up to 200,000 CY/year of in-situ aggregate; importation of up to 40,000 CY/year of recycled asphalt, concrete, and/or other aggregate materials, and up to 10,000 CY/year of soil; processing of a maximum of 220,000 CY/year (crushing, screening, and sorting) of virgin and recycled materials; production of up to 348,000 CY/year of finished product; a 30 year term for the entitlement; and a minimum 35 year term for the reclamation plan to account for post-reclamation monitoring until success criteria are achieved.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*”):**

- ~~This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.~~

~~This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on December 7, 2047. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.~~

~~To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.~~

- The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 22 of the Mendocino County Code.
- The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
- This permit shall be subject to the securing of all necessary permits for the proposed project from County, State and Federal agencies having jurisdiction.

5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- ~~8. All mitigation measures and conditions of approval included under Use Permit #10-95 shall continue to apply.~~
- ~~9-8.~~ Operator shall ensure the spray bar to water truckloads exiting the facility has been installed prior to the expansion of the use in reliance upon this permit.
- ~~10-9.~~ Haul roads to be treated with magnesium chloride based surfactant shall be treated twice per year, or more frequently as needed, to minimize fugitive dust.
- ~~11-10.~~ Operator shall ensure that measures for prevention, control, and prompt removal of track out (earthen material carried from the facility onto public roads) are implemented.
- ~~12-11.~~ If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
- ~~13-12.~~ Any hazardous materials to be stored on-site shall be stored within an approved container and shall be stored in accordance with all laws and regulations.
- ~~14-13.~~ **Pre-construction training shall be provided for all field personnel. Prior to the commencement of project activities, a qualified biologist shall present an environmental awareness program to all quarry personnel working on-site. At a minimum, the training shall include a description of special-status species that may be encountered, their habitats, regulatory status, protective measures, work boundaries, lines of communication, reporting requirements, and the implications of violation of applicable laws.
- ~~15-14.~~ **If a special-status wildlife species is observed in the work area, operations shall cease. The special-status wildlife species shall be photographed (for identification purposes), but shall not be touched or moved. A qualified biologist shall be called to monitor the area and work shall not resume until the special-status species has left or been relocated by a qualified biologist.

16.15. ****Until July 31, 2018, or such time as a determination has been made regarding the listing status of the foothill yellow-legged frog, an Incidental Take Permit shall be required from the California Department of Fish and Wildlife before removing sediment from the two basins where the foothill yellow-legged frogs were observed (as identified in Attachment I of this report, Figure 3. Biological Resources Blue Ridge Rock Quarry). If the foothill yellow-legged frog becomes listed, the applicant shall consult with the California Department of Fish and Wildlife and obtain the necessary permit(s) to remove sediment from these ponds. Should bullfrogs be detected during biological surveys, the applicant shall consult with the California Department of Fish and Wildlife to determine whether a Bullfrog Management Plan will be required. If the foothill yellow-legged frog is not listed, the following condition shall apply:**

A qualified biologist shall survey the sediment basins for all life stages of foothill yellow-legged frogs prior to sediment removal activities. A qualified biologist shall relocate the foothill yellow-legged frog outside of the project area if encountered.

17.16. ****If water drafting is to be conducted at the pond on the south side of the quarry floor, a preventative screen shall be placed over the water draft hose to prevent the suction of Northern western pond turtles into the draft water. Prior to commencement of water drafting each year, a qualified biologist shall inspect the drafting pipe and screen to ensure the equipment is appropriately installed to protect Northern western pond turtles from harm during water drafting.**

18.17. ****In order to reduce potential impacts to Northern California steelhead trout and other aquatic-dependent species, sediment-control Best Management Practices (BMPs) such as straw mats and silt fencing shall be employed prior to the initiation of work along areas of vegetation clearing, grading, and rock extraction to minimize erosion, contain runoff, and prevent the release of sediment or pollution into watercourses, tributaries, and drainage ditches, sand shall be properly maintained.**

19.18. ****Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent contamination of waterways. All workers shall be properly trained in the prevention and clean-up of spills of contaminants. Protective measures shall include the following:**

1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses.
2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment.

20.19. ****If vegetation removal must occur during the nesting season (February 15-August 31), a nest survey shall be conducted by a biologist prior to vegetation removal. If an active nest is documented, a no-impact buffer shall be established until the nest is no longer active or consultation with USFWS and CDFW has occurred and a directive has been given.**

21.20. ****Protocol floristic surveys shall be conducted within three (3) years of all new land disturbance. The current floristic survey will expire on August 25, 2019. If any subsequent floristic survey finds evidence of plant species listed as Rare, Endangered, Threatened, Sensitive, or Species of Special Concern by the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife, and California Native Plant Society (CNPS), no additional disturbance will be permitted within 100 feet of the identified species until a mitigation plan is prepared and approved by Mendocino County in consultation with the California Department of Fish and Wildlife (CDFW) and other regulatory agencies as needed. The mitigation plan may require modification of the approved Use Permit.**

22.21. ****Trees shall be retained on-site for as long as possible and shall be removed shortly before the quarry expands into new areas of the site.**

~~23.22.~~ ****Oak trees shall be replanted and monitored as specified in the *Blue Ridge Rock Quarry Mining and Reclamation Plan* (Reclamation Plan), dated August 2016, to achieve a minimum replanting ratio of 2:1. Financial assurances covering the oak woodland revegetation component of the Reclamation Plan shall not be released until the 2:1 ratio has been achieved in conformance with the Reclamation Plan.**

~~24.23.~~ ****A contribution to the Oak Woodlands Conservation Fund or other organization approved by the County shall be made for the equivalent value of the removal of 138 oak trees. The contribution shall be computed based on the following formula:**

Contribution = # acres x current land value x 0.05 (County administrative fee)

Acceptable methods of establishing current land value include: a) appraisal of the woodland area impacted; or b) sale values for comparable property of which the woodlands are being removed and which are located in the same general area.

~~25.24.~~ ****Since the site is located with CalFire's declared Sudden Oak Death (SOD) zone of infestation, special precautions and measures shall be implemented in order to limit the spread of SOD throughout the project area during the practices of limbing and felling trees and/or processing of logs on the site. Measures shall include the following (or equivalent as developed by a qualified arborist):**

Before Working:

1. Inform crews about the arboricultural implication of SOD and sanitation practices when they are working in infested areas.
2. Provide crews with sanitation kits (chlorine bleach [10/90 mixture of bleach to water], scrub brush, metal scraper, boot brush, and plastic gloves.
3. Sanitize shoes, pruning gear, and other equipment before working in an area with susceptible species.

While Working:

1. When possible, work on SOD-infected and susceptible species during the dry season (June - October), or allow flexible scheduling so work may be done during dry spells. When working in wet conditions, keep equipment on paved or dry surfaces and avoid mud.
2. Work in disease-free areas before proceeding to infested areas.
3. Do not collect soil or plant material (wood, brush, leaves and litter) from host trees in the regulated area without first contacting your local agricultural commissioner. Within the regulated area, host material (e.g. wood, bark, brush, chips, leaves, or firewood) from tree removals or pruning of symptomatic or non-symptomatic plants should remain on site to minimize pathogen spread.

After Working:

1. All reasonable methods shall be used to sanitize personal gear and crew equipment before leaving a SOD-infested site. Scrape, brush and/or hose off accumulated soil and mud from clothing, gloves, boots and shoes. Remove mud and plant debris by blowing it out or power washing chipper trucks, chippers, buckets trucks, fertilization and soil aeration equipment, cranes, and other vehicles.
2. Restrict the movement of soil and leaf litter under and around infected trees as spores may be found there. Contaminated soil, particularly mud, on vehicle tires, workers boots, shovels, stump grinders, trenchers, etc., may result in pathogen spread if moved to a new, uninfested site. Remove or wash off soil and mud from these items before use at another site. If complete on-site sanitation is not possible, complete the work at a local power wash facility or an isolation area in your equipment yard. Clean, orderly vehicles and equipment are good business, and prevent pathogen and insect spread.

3. Tools used in tree removal/pruning may become contaminated and shall be disinfected with chlorine bleach solution (1 part bleach to 9 parts water). Gear shall be rinsed after sanitation.
4. Suspected cases of SOD shall be reported to the Mendocino County agricultural commissioner.

~~26-25.~~ ****Interim slope cuts, including internal faces during individual phases of operations prior to final excavation, shall be evaluated in accordance with current Mine Safety and Health Administration (MSHA) requirements as quarry operations progress.**

~~27-26.~~ ****Slope stability analyses shall be performed by a Certified Engineering Geologist when the quarry face progresses to within 150 feet of the final face cut, which would provide an opportunity to modify the final cut configuration, if necessary, based on specific rock exposures at that time.**

~~28-27.~~ ****During "high," "very high," and "extreme" fire danger rating levels, the operator shall have a water truck filled and on standby at the project site during equipment use at the quarry and when blasting is to occur on the site.**

~~29-28.~~ ****During "high," "very high," and "extreme" fire danger rating levels, the operator shall notify the Hopland Fire Department, Cloverdale Fire Department, and the CalFire Cloverdale station a minimum of 24 hours prior to blasting.**

~~30-29.~~ Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullyng, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event. Evidence shall be submitted to Planning and Building Services that the erosion control methods are designed to handle runoff from a 20 year/1 hour intensity storm event.

30. The rock quarry operation shall not exceed a total of 6,000,000 cubic yards of rock, with an annual limit of 200,000 cubic yards of rock per year for 30 years.

31. The applicant shall submit a Mining Inspection and Monitoring fee to the Department of Planning and Building Services, as outlined in the adopted County fee schedule, within thirty (30) days of permit issuance. This fee shall be submitted each year to Planning and Building Services prior to scheduling the annual inspection.

32. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2266.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

33. An Indemnification Agreement which has been signed by the applicant, shall be filed with the Department of Planning and Building Services. The indemnification Agreement shall be on the form provided by the Department of Planning and Building Services.

34. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
35. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.
36. During the non-operating months, quarried rock will be stockpiled at a slope not exceeding 2:1.
37. Noise levels created by the operation as measured at the nearest residence other than that of the mine owner or operator shall not exceed 55 dBA Ldn.
38. All non-turbo charged equipment shall have approved spark arrestors installed and shall carry an "A,B,C" type fire extinguisher.
39. That the applicant shall grant access to the property during hours of operation to permit Department of Fish and Wildlife personnel, Regional Water Quality Control Board personnel, and County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
40. The applicant shall annually supply to the Director of the Department of Planning and Building Services, within sixty (60) days of the permit/plan anniversary date, an annual accounting of the quantities and types of materials extracted and/or processed from each location (Mendocino County Code Section 22.16.041(r), Ordinance Number 3263, adopted 1979). The accounting report shall indicate the dates on which the specified volumes were removed, the method used to calculate the volume figures and the signature of the person responsible for establishing the volume figures.
41. That there be no signing allowed for the operation other than those directional or warning signs allowed by Mendocino County Code Section 20.184.025(A).
42. There shall be no on-site fuel storage in association with this project.
43. a. The applicant shall provide Mendocino County with a cash or surety bond or other acceptable form of financial assurance for the reclamation plan and mitigation measures. The bond shall be available to both the County and the Department of Conservation. Any withdrawals made by the County or Department of Conservation for reclamation shall be redeposited by the applicant within 30 days of notification.

The bond amount shall be calculated based on the cost estimate submitted by the applicant and approved by both County staff and the Department of Conservation for the approved reclamation procedures. The bond shall be established and in place within six (6) months of project approval. Each year, following the annual site inspection, the bond amount shall be adjusted to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

The security bond is not set up to replace the applicant's responsibility for reclamation or mitigation, but to assure funding for the reclamation plan and mitigation measures. Should the applicant fail to perform or operate within all the requirements of the approved reclamation plan, the County or Department of Conservation will follow the procedures outlined in Sections 2773.1 and 277.4 of the Surface Mining and Reclamation Act (SMARA), regarding the encashment of the bond and applicable administrative penalties, to bring the applicant into compliance. The requirements for the bond will terminate when the approved reclamation plan and mitigation measures have been completed.

b. Implementation and Verification. The financial assurance shall name both the County and the Department of Conservation as payees per the requirements of AB 3551. The amount will be based on an estimate of reclamation cost provided by the applicant and subject to review by both County staff and Counsel and the Department of Conservation. The financial assurance will be reviewed on an annual basis for adequacy and shall be released when the approved project, mitigation measures and final reclamation plan activities have been completed.

44. That the hours of operation be limited to between 7:00 am and 6:00 pm on weekdays and Saturdays and up to 45 nights per year for haul-out only.

45. The applicant/operator shall maintain the operation in compliance with the Storm Water Pollution Prevention Plan.

46. The applicant shall submit an annual report to the Department of Planning and Building Services of the dates the sedimentation ponds were cleaned and the amounts of sediment removed and the methods of sediment disposal. The report shall be submitted no later than December 31 of each year.

47. The applicant shall comply with the provisions/recommendations outlined in the Mining and Reclamation Plan dated July 6, 2017, prepared by Crawford & Associates, Inc. Said Reclamation Plan is on file with the Department of Planning and Building Services.

48. A 50 foot buffer shall be established from all existing water courses except where roads exist as of the commencement of operations.

49. Where feasible, as each phase of the quarry operation is completed, overburden covered with topsoil shall be graded onto the benches and/or landings and shall be seeded, as provided for in the Mining and Reclamation Plan dated July 6, 2017.

50. Where feasible, the final cut banks shall be either terraced or left at a slope no steeper than one (1) horizontal to one (1) vertical, and that the slope shall be recovered with soils and seeded to encourage revegetation or be constructed per the engineered grading plans and revegetated per the Mining and Reclamation Plan dated July 6, 2017, on file with the Department of Planning and Building Services.

51. A 50-foot setback shall be required between project-related activity and Assessor's Parcel Number 050-460-05 until evidence is provided that demonstrates that the applicant has obtained the legal right to use the parcel for the purposes described in the permit, such as by ownership or lease. Until such time as the legal right to use the parcel has been obtained for APN 050-460-05, the operator shall visibly field stake boundaries of property lines to ensure that mining activities do not encroach upon APN 050-460-05.