

**CONDITIONS OF APPROVAL FOR
MODIFIED CONDITIONAL USE PERMIT PL17-0064
(A Modification of CUP 1367)
Tapo Canyon Mine
(*Gillibrand Industrial Sands, Inc.*)**

APNs

615-0-050-090, -100; 615-0-060-095, -105, -115, -125, -135, -255, -260, -270, -280, -290; 615-0-070-105, -115; 615-0-080-145, -465, -475, -855

(CA Mine ID #91-56-0021)

The following conditions of approval constitute Conditional Use Permit (CUP) PL17-0064 for the Tapo Canyon Mine. These conditions of approval supersede all past permit approvals (e.g. CUP 1367-4). This CUP does not authorize any mining activities that are inconsistent with the Reclamation Plan for this facility approved pursuant to the California Surface Mining and Reclamation Act (SMARA). The Reclamation Plan must be approved along with this CUP. The operational limitations established in these conditions of approval supersede previous CUP conditions. At the time of this CUP issuance, the Tapo Canyon Mine is operated by Gillibrand Industrial Sands, Inc. and the land owner is P.W. Gillibrand Company, Inc.

1. Permitted Land Uses (Project Description)

The following project description includes the operational limitations and requirements imposed by the terms of this CUP and the reclamation requirements of the associated Reclamation Plan. All requirements of the Reclamation Plan are hereby incorporated into these conditions of approval. All surface mining activities must be conducted in conformance with the CUP and Reclamation Plan.

This CUP modification, Case No. PL17-0064, of the existing Tapo Canyon Mine (CUP No. 1367) provides for the continued operation of this existing 1,168-acre mining facility for an additional 45-year period. Within the CUP, mining activities occur on 927 acres, including a total of approximately 841 acres of mining excavation and 86 acres of mining related uses and facilities.

The components of the existing facility that are authorized to continue in operation include:

- A sand and gravel processing plant
- A hydroclean plant to wash, sort and separate aggregate products.
- A specialty sand plant
- A flint plant
- Operation of bagging equipment
- Wash plant
- Concrete and Asphalt recycling plant
- A slurry plant that recycles process water from material processing plants
- Maintenance shop where vehicles are serviced
- Various ancillary facilities such as water recycling ponds and equipment, truck repair building, machine shop, water tanks, scales, fuel tanks, stockpile areas, administrative offices, storage areas for parts and materials, etc.
- Ready Mix concrete batch plant (operated by Spragues' Ready Mix Concrete)
- Two Asphalt batch plants (operated by Vulcan Materials)

The modifications to the CUP include:

- A time extension for an additional 45 years (from 2020 to 2065).
- Amended mining and reclamation plan that increases mining excavation area from 814 acres to 841 acres. Depth of excavation based on the amended mining plan is approximately 1,485 feet above mean sea level. A total 927 acres is subject to the mining and related ancillary activities, including 86 acres used for internal material haul roads, equipment turnaround areas, and equipment maintenance. The existing total CUP boundary of approximately 1,168 acres will not change.
- Mining of approximately 94,354,253 cubic yards (i.e. an increase of 24,334,253 cubic yards). Of this volume, approximately 20,000,000 cubic yards will be placed on-site as backfill in previously excavated areas as part of ongoing site reclamation.
- Maintenance shop relocation to the southern portion of the Project Site.

The amended Reclamation Plan is approved along with the CUP modification. The Reclamation Plan establishes the requirements for reclamation of the mined lands. This plan delineates the boundary and describes the geometry of the proposed revised final reclaimed surface. The mined lands will be revegetated and reclaimed to open space and agriculture (cattle grazing and dry farming).

2. Compliance with Mining and Reclamation Standards

Purpose: In order to assure compliance with applicable mining and reclamation standards.

Requirement: The Permittee shall operate and reclaim the Tapo Canyon Mine in conformance with the mining and reclamation standards of Section 8107-9 of the Ventura County Non-Coastal Zoning Ordinance (NCZO), the California Surface Mining and Reclamation Act (Public Resources Code 2710 et. seq.; SMARA), and the State Mining and Geology Board reclamation regulations (Title 14 CCR Section 3500 et. seq.). These requirements include but are not limited to the following:

- a. Reclamation of the site shall be completed in accordance with the approved Reclamation Plan.
- b. All surface mining operations shall be conducted in conformance with the phasing and other requirements of the approved Reclamation Plan.
- c. Removal of equipment and facilities shall be accomplished in accordance with the approved Reclamation Plan and Section 8107-9.6.10 of the NCZO.
- d. Permittee maintaining liability insurance for the effective period of this permit in conformance with the requirements of Section 8107-9.6.21 of the NCZO.
- e. No excavation of the site shall occur below the final reclaimed surface or outside of the mapped limits of excavation specified in the approved Reclamation Plan.
- f. A Financial Assurance for reclamation shall be posted by the Permittee (mine operator) with the County of Ventura and California Department of Conservation in accordance with Section 8107-9.6.20 of the NCZO and Section 2773.1 of SMARA.
- g. The Permittee shall provide access to the site to County personnel upon receiving reasonable notice of an upcoming inspection. The mining facility shall be inspected at least once per year in order to monitor compliance with the Conditions of Approval of this CUP, the approved Reclamation Plan, SMARA and the NCZO. The number of inspections conducted in addition to the statutory minimum shall be determined by the Planning Director. (*“Reasonable notice” shall mean notification at least 10 days in advance.*)

Documentation: The Permittee shall annually provide evidence to the County Planning Division for review and approval that liability insurance consistent with ordinance standards has been obtained. The Permittee shall also annually provide a Financial Assurance Cost Estimate (FACE) and post a Financial Assurance Mechanism (FAM) that meets SMARA standards as determined by the Planning Director. *Surface mining inspection reports prepared by County staff will document the physical condition of the mining site and its conformance with the approved*

Reclamation Plan and the Conditions of Approval of this Conditional Use Permit. The Annual Compliance Report prepared by the Permittee under Condition No. 3 will also document the condition of the site.

Timing: The Permittee shall submit and obtain approval of the evidence of liability insurance no later than 60 days after the annual inspection of the site is conducted by the County. The FACE shall be submitted to the County within 30 of the annual inspection of the site by the County. The FAM shall be submitted within 60 days after approval of the FACE by County and California Department of Conservation Division of Mine Reclamation.

Monitoring: The Planning Division will monitor compliance with this condition through the annual site inspections required by SMARA, additional inspections determined necessary by the Planning Director, and through enforcement actions authorized by §8114-3 of the NCZO.

3. Annual Compliance Report

The Permittee shall submit an Annual Compliance Report (ACR) to the County Planning Division that describes the current area and depth of mining excavation and the extent of any reclamation activities that have occurred in the past operational year. This information must be delineated on a copy of the map(s) and cross sections included in the Reclamation Plan. This report must describe the conformance of the mining activities with the Conditions of Approval of this CUP and Reclamation Plan. The volume of any over-excavation must be estimated in this report. The ACR must be consistent with the information provided in the Financial Assurance Cost Estimate and the Financial Assurance Mechanism submitted for the facility. The adequacy of the ACR to meet this condition will be determined by the Planning Director. The report is to be submitted by July 1 of each year.

4. Days and Hours of Operation

Purpose: In order to limit the days and hours of operation of the approved use.

Requirement: The operation of the mining facility shall be limited as follows:

- a. Mining excavation and reclamation shall be limited to daylight hours, 6:00 a.m. to dusk, seven days per week. (*"Dusk" refers to 30 minutes after the time for "sunset" as published in a local newspaper of general circulation.*)
- b. Mineral resources processing, plant operations, transport of materials and products to and from the facility, equipment and facility maintenance, and sales and administrative operations are authorized to occur 24 hours per day, 7 days per week.

- c. The Permittee shall post the hours of operation in an obvious location that can be seen by all customers, employees, vendors, and haul truck drivers. The signage must be made of weatherproof and permanent material and conform with the standards set forth in Article 10 of the Ventura County Non-Coastal Zoning Ordinance.

Documentation: The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

Timing: The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for Use Inauguration and the Permittee shall maintain the posted hours of operation for the life of the permit.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of §8114-3 of the NCZO .

5. Site Maintenance

Purpose: To ensure that the CUP area is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the CUP area.

Requirement: The Permittee shall maintain the Project site in compliance with the uses described in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials used in the operations described in Condition No. 1, or which the Planning Director determines to be otherwise substantially in conformance with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.

Documentation: The allowed uses shall be comprised of those items listed in Condition No. 1 (Permitted Land Uses) of this CUP and any amendments thereto.

Timing: The site shall be maintained in a neat and orderly manner during the effective period of this permit.

Monitoring and Reporting: The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

6. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §15000-15387), as amended.

7. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP, commencement of construction, or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (2010, Article 14) which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on title to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of, and complying with, the CUP conditions and all applicable federal, state and local laws and regulations.

8. Time Limits

a. Use inauguration:

1. The decision to grant this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the decision to grant this permit becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to initiate the land uses authorized herein. In order to obtain the required Zoning Clearance, the Permittee must 1) satisfy all Conditions of Approval that require actions to be taken prior to Zoning Clearance issuance, and 2) demonstrate that the mining facility is being operated in compliance with all applicable permit and Reclamation Plan provisions.
2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for Use Inauguration within one year from the granting of this CUP. The Planning Director may grant to the Permittee a one-year extension of this deadline if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing prior to the one-year expiration date.
3. Prior to the issuance of the Zoning Clearance for Use Inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for Use Inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period:

This CUP will expire on **December 31, 2065**. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to §8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to December 31, 2065; and
2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with §8111-2.10 of the NCZO .

(Note: Reclamation activities in accordance with the Reclamation Plan would continue for up to 5 years after the cessation of mineral extraction.)

9. Consolidation of All Approved Exhibits and Permits

Purpose: To ensure compliance with and notification of requirements of other federal, state or local government regulatory agencies and the completion of the Mitigation and Monitoring Reporting Program.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation to verify that the Permittee has obtained or satisfied all applicable federal, state and local entitlements and conditions.

Documentation: The Permittee shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance for the Project file.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for Use Inauguration or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the permit is modified or changes are made by any other respective agency, the Permittee shall submit any revised documentation within 30 days of the modification.

10. Notice of CUP Requirements and Retention of CUP Conditions On-Site

Purpose: To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the Project site.

Timing: A copy of the CUP Conditions of Approval shall be available on the Project site prior to issuance of a Zoning Clearance for Use Inauguration and shall be maintained on the site during the effective term of this permit.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

11. Recorded Notice of Land Use Entitlement

Purpose: In order to comply with §8111-8.3 of the Ventura County Non-Coastal Zoning Ordinance a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

Requirement: The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement (NLUE) form furnished by the Planning Division, for the tax assessor's parcels that are subject to this CUP.

Documentation: The Permittee shall provide a copy for the recorded NLUE to the Planning Division.

Timing: The recorded NLUE shall be submitted to the Planning Division prior to the issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Planning Division shall receive the recorded NLUE and incorporate it into the CUP file for the Project.

12. Condition Compliance, Enforcement, and Other Responsibilities

a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition No. 12.b. Specifically, the Permittee shall bear the full costs of the following:

1. Condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,

2. Monitoring and enforcement costs required by the Ventura County Non-Coastal Zoning Ordinance (NCZO) §8114-3. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to NCZO §8114-3.4.
- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
 1. A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition No. 12.a, above), monitoring and enforcement (Condition No. 12.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
 2. A signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
 - c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement (Condition No. 12.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the site inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and NCZO; and,
 - d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

13. Defense and Indemnity

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

14. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health, safety, and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the *Code of Civil Procedures* (§1094.6), or other applicable law, this CUP shall be allowed to continue in full force and effect until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Commission may review the Project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission shall make the determination of adequacy. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

15. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

16. Relationship of CUP Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

A business tax certificate shall be obtained for operation of the proposed mining facility.

17. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses authorized by this CUP. The designated contact person shall be available by telephone during the authorized hours of operation.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the CUP site.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within five (5) business days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

18. Resolution of Complaints

The following process shall be used to resolve complaints related to the Project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 17 in a visible location on the site. The Contact Person shall be available via telephone during all operating hours of the facility. Persons with concerns about an activity as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this Project is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to §8114-3 of the Non-Coastal Zoning Ordinance may be initiated.

19. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail upon obtaining knowledge of any incidents related to the mining operation (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file.

20. Change of Owner and/or Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the CUP site.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

21. Sign Plan

Purpose: To ensure signage on the property complies with Chapter 1, Article 10 of the Ventura County Non-Coastal Ordinance (NCZO).

Requirement: The Permittee shall prepare a sign plan for the proposed entrances to the facility that describes the proposed size, colors, materials, and lighting details. Each sign must provide information on the hours of operation and telephone numbers for the contact person(s) as described in Condition No. 17 above. The Permittee shall bear the total cost of such review and approval.

Documentation: The Permittee shall submit two copies of a sign plan for the proposed facility entrances to the Planning Division for review and approval.

Timing: The Permittee shall obtain approval of the sign plan and install the subject signs prior to the issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the Project file. The Permittee shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to assure that the signage for the Project continues to conform with the approved sign plan and Chapter 1, Article 10 of the NCZO. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of §8114-3 of the NCZO.

22. Limit on haul truck traffic

Purpose: In order to avoid increased daily and peak-hour traffic congestion on local roadways, heavy truck traffic shall be limited.

Requirement: The number of material hauling truck trips generated by the mining facility shall be limited in accordance with Condition No. 1 as follows:

- Daily truck traffic shall be limited to a monthly average of 675 one-way truck trips per day with a maximum of 878 one-way truck trips in any single day.
- Peak hour (period) trips (PHTs) for hauling trucks arriving to or departing from the facility entrances shall be limited to a maximum of 267 one-way trips per day in any one day. For purposes of this condition, the peak traffic hours are 6:00-8:00 a.m. and 3:00-6:00 p.m.

Documentation: The Permittee shall maintain a record of all arrivals to and departures from the mining facility. The record shall include a.m. and p.m. PHTs, Total Daily Trips, and Average Daily Trips. The record shall be summarized monthly in a table format. The record shall be maintained in paper or electronic form. The Permittee shall make this record of truck traffic available to the County and other government agencies upon request.

Timing: The requirement to maintain a record of truck arrivals and departures is an ongoing operational requirement of this CUP and is in effect upon issuance of a Zoning Clearance for Use Inauguration of the expanded mining operation.

Monitoring: County staff may periodically check the truck arrival and departure record to determine Permittee's compliance with traffic and congestion limits.

(Note: In accordance with State Law, the County does not have the authority to regulate project-related truck traffic on the State Highway system as the trucks approach the mining facility or after they depart from the mining facility.)

23. Permit Boundary and Area of Disturbance

Purpose: In order to assure that Project operations and ground disturbance remains within approved limits, the permit boundary and areas approved for ground disturbance shall be identified in the field.

Requirement:

(a) Boundary posts shall be installed at each CUP boundary corner and at no less than 1,000-foot intervals between boundary corners. The posts shall be constructed of four-inch square tubular steel, extend a minimum of four feet above the ground surface, be set in concrete, be numbered, and labeled with "CUP PL17-0064 Boundary."

(b) Boundary stakes shall be installed at each "Disturbance Area" boundary corner and at no less than 500-foot intervals between boundary corners. The stakes shall be composed of metal, painted orange, and extend a minimum of four feet above the ground surface.

Alternate materials and boundary marker design may be utilized upon approval by the Planning Director.

(Note: The term "boundary corner" shall refer to points of change in the trend of the boundary line.)

Documentation: The Permittee shall provide to the Planning Division a copy of the Project site plan that depicts the CUP and Disturbance Area boundary lines, the property lines, topographic contours, and the surveyed location of each boundary post or stake. In addition, the Permittee shall provide photographs that demonstrate that the required boundary markers have been installed.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the required boundary markers shall be installed. The required boundary markers shall be maintained for the effective term (i.e. initial term and any extension) of this CUP.

Monitoring: Planning Division staff shall review the submitted documentation to assure that the required markers are installed prior to operations under this permit.

24. Preservation of Archaeological Resources - FEIR Mitigation Measure

Purpose: In order to preserve archaeological resources previously unrecorded in the Simi Valley, the following program shall be required:

Requirements:

- a. Prior to monitoring of site CA-VEN/887, representatives of the Ventureno Chumash shall be consulted and shall be invited to attend the monitoring.
- b. Prior to mining and excavation at the location of CA-VEN/887 or newly discovered sites, a qualified archaeologist approved by the County and retained by permittee ("Monitor") shall locate, record and sample any buried features of CA-VEN/887. Field monitoring shall be terminated once the site has been excavated to a depth of 40 cm in the eastern portion, 200 cm in the central portion and 70 cm in the western portion.
- c. The Monitor and Native American representative shall temporarily halt excavation/grading to record or sample, or for the purpose of contacting the County Coroner should human remains be encountered.

Documentation: The permittee shall provide the Planning Director with compliance report prepared by an archaeologist, demonstrating review for compliance with this condition, and file the report(s) of the archaeologist and monitor.

Timing: Prior to ground disturbance in the locations of archaeological resources and throughout mining in those locations.

Monitoring: The Planning Division shall monitor this Mitigation Measure during initial Project start-up and during the life of the permit through field visits and applicant reporting on an "as needed" basis.

25. Preservation of Paleontological Resources - FEIR Mitigation Measure

Purpose: To preserve and inventory paleontological resources in the Project area.

Requirements:

- a. To inventory and preserve paleontological resources previously unrecorded in the Simi Valley, the following program shall be required:
 - (1) Prior to any Zoning Clearance issued for CUP-1367 Modification No. 3, a site meeting, attended by a County-approved paleontology monitor ("Monitor") retained by the permittee, property owner and heavy equipment contractor shall be held to review the site and conduct the site survey described herein.
 - (2) The permittee shall have a pre-mining survey conducted by the Monitor who will survey the specific area to be disturbed to locate fossil sites and

to document fossil-bearing beds not recorded during the environmental review process. The Monitor will collect and record a representative sample of vertebrate fossil remains and note their stratigraphic occurrence and collect representative samples of invertebrate remains from selected sites and horizons in the lower member of the Saugus Formation.

- (3) The Monitor shall be present during the clearing and initial excavation of the lower member of Saugus Formation. Periodic monitoring shall occur during initial excavations in the Modelo Formation, upper member of the Saugus Formation and Quaternary Terrace Deposits. Monitoring frequency shall increase if paleontological remains are found.
 - (4) Should vertebrate fossil remains be found during clearing or excavation, the permittee shall notify the County and divert mining activities away from the site until the Monitor has arrived and removed the remains. Grading of the paleontologic site shall halt until the Monitor allows grading to proceed.
 - (5) Prior to excavation in the upper member of the Saugus Formation and Quaternary Terrace Deposits, the Monitor shall collect representative five-grained sedimentary rock samples from selected horizons. These samples shall be processed for micro vertebrate fossil remains and all fossil remains shall be placed into a retrievable storage system. The Monitor shall file the accompanying field notes, maps and photos at the Natural History Museum of Los Angeles County (LACM) or other designated repository at the discretion of the County.
 - (6) The Monitor shall prepare a summary report containing an inventory and description of the significance of accessioned remains, following the initial mining of the following geographic areas approved for mining: a) north of Little Tripas Canyon; b) south of the main haul road, west of the main quarry; and, c) north of the main haul road, west of the main quarry, and east of Little Tripas Canyon. Copies of this report shall be sent to LACM.
 - (7) The Monitor shall periodically spot check exposures in the quarry for vertebrate fossil remains and invertebrate specimens that are unusually well preserved or represent rare taxa or taxa not previously collected.
- b. Throughout the life of the quarry operation, and upon consent of the permittee, any qualified paleontologist shall be allowed access to the study area to collect fossil remains or to investigate the geology of the area if such access would not disturb operations or represent a safety hazard.

Documentation: The permittee shall provide the Planning Director with a compliance report prepared by a paleontologist, demonstrating review for compliance with this condition, and file the report(s) of the paleontologist.

Timing: Prior to ground disturbance in the locations of paleontological resources and throughout mining in those locations.

Monitoring: The Planning Division shall monitor this Mitigation Measure during initial Project start-up and during the life of the permit through field visits and applicant reporting on an "as needed" basis.

26. Paleontological Survey

The permittee shall implement the following Paleontological Mitigation Plan (PMP) for the portions of the excavation expansion area (as approved by LU05-0087) within Assessor Parcel Number 615-0-070-105 and 615-0-080-855 previously identified as potentially containing paleontological resources:

1. All mine personnel that may be in the excavation expansion area (as approved by LU05-0087) will participate in tailgate Paleontological Resource Training. The purpose of this training will be to inform facility personnel of the presence of fossils at the site and inform them of actions to take in the event of a major paleontological discovery (see item 2 below). Attendance rosters shall be maintained by the permittee to verify training.
2. In the event of a major paleontological discovery (e.g. mammoths, whales, etc.) the following actions will be implemented:
 - a. Mining and material processing activities in the area will immediately cease.
 - b. The operator/permittee shall contract a qualified paleontologist to assess the find and recommend a course of action to be considered by the Planning Director. Surface mining activities in the vicinity of the significant find shall not be re-initiated until the actions required by the Planning Director have been implemented.
3. Areas containing fossils at the site will be available to Professional Geologists and qualified Paleontologists (qualified personnel) for the purpose of evaluating fossils for bona fide research projects (excluding private research/collection), subject to the following conditions:

- a. Qualified personnel must provide a minimum of 72-hour notice to the operator/permittee when they wish to visit the site.
- b. Qualified personnel must attend site-specific training that covers mining and heavy equipment hazards that may be encountered at the site. Costs associated with site-specific training, or any other permittee costs related to the requested activities, will be the responsibility of the qualified personnel at the discretion of the permittee. Qualified personnel who fail to comply with the permittee's safety procedures or act in an unsafe manner may be prohibited from future visits to the site.
- c. Qualified personnel activities at the site, other than those associated with a major discovery as described in item 2 above, must not result in a significant costs to the permittee either in the form of direct costs or costs due to extended production disruption.

27. Light Emanation

Purpose: In order to ensure lighting on the subject property is provided in compliance with the Ventura County Non-Coastal Zoning Ordinance (NCZO) and ensure light emanation is controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses.

Requirement: The Permittee shall prepare a lighting plan that meets the following objectives:

- avoids interference with reasonable use of adjoining properties;
- minimizes on-site and eliminates off-site glare;
- provides adequate on-site lighting for security;
- minimizes impacts to wildlife movement;
- minimizes energy consumption; and
- includes devices that are compatible with the design of the permitted facility and minimize energy consumption.

The Permittee shall include in the lighting plan a photometric diagram and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs) in the lighting plan. An electrical engineer, registered by the State of California, shall prepare the lighting plan. The plan must include illumination information within all exterior areas. In order to minimize light and glare from the Project, exterior light fixtures must be a cut-off type, fully shielded, and downward directed, such that the lighting is projected downward onto the property and does not cast any direct light onto an adjacent property or roadway. The Permittee shall bear the total cost of the review and

approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

Documentation: The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval.

Timing: The Permittee shall obtain the Planning Division's approval of the lighting plan prior to the issuance of a Zoning Clearance for Use Inauguration. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting plan. Planning Division staff has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of the NCZO.

28. Painting

Purpose: Ensure exterior colors of buildings are consistent with the environment.

Requirement: All permanent aboveground facilities and structures shall be colored so as to mask the facilities from the surrounding environment and uses in the area. Consideration shall also be given to such additional factors as heat buildup and designation of danger areas when using said colors. The Planning Director may authorize exceptions that are safety related.

Documentation: The permittee shall submit the color scheme for review and approval by the Planning Division.

Timing: Colors shall be approved by the Planning Director prior to painting of facilities. Prior to issuance of the Zoning Clearance for Use Inauguration, exterior buildings shall be painted according to the approved color scheme.

Monitoring and Reporting: Planning Division compliance staff shall review the submitted documentation and verify compliance with this condition as part of the annual inspection required by SMARA.

29. Mining and Reclamation of Permit Area Under LCA Contract

Purpose: To ensure continued agricultural viability of the acreage under the existing Land Conservation Act (LCA) contract.

Requirement:

- a. Mining of land under LCA contract shall only occur in 25-30-acre units of land exclusive of haul roads. Prior to initiating mining on additional areas under LCA contract, previously mined areas shall be reclaimed back to agricultural uses consistent with the LCA contract so that no more than 25-30 acres subject to LCA are open/disturbed.
- b. The Planning Director may defer this determination to the Agricultural Policy Advisory Committee (APAC) where an expert technical opinion is needed regarding compliance with the LCA Guidelines.
- c. Should the Planning Director find that the mine operator is unable to meet the intent of the LCA contract, the Planning Division with the concurrence of the APAC will require the mine operator to apply for either partial cancellation and/or non-renewal for the portions of LCA lands within the mining area that do not meet the intent of the LCA contracts.

Documentation: A current copy(ies) of LCA contract(s) shall be provided upon request of the Planning Director and maintained on file at the Planning Division.

Timing: During the annual inspection pursuant to SMARA, or as needed.

Monitoring and Reporting: The County will determine if the number of livestock, size and viability of land, meet the intent of the LCA contract and guidelines. County Planning Division compliance staff shall review the submitted documentation and verify compliance with this condition as part of the annual inspection required by SMARA.

30. Grading permits

Purpose: In order to assure that all onsite grading meets established standards, the Permittee shall obtain necessary grading permits.

Requirement: The Permittee shall prepare a site plan that generally depicts the proposed topographic contours of any area proposed to be graded that is located outside of the approved mineral extraction sites. If requested by the Public Works Agency (PWA), the Permittee shall have grading plans prepared by a licensed Civil Engineer and obtain a Grading Permit.

Documentation: The Permittee shall submit to PWA, for initial review, a site plan that depicts the existing and proposed topographic contours of an area proposed to be graded. If PWA determines that a grading permit is necessary, a set of

grading plans prepared by a Civil Engineer shall be submitted by the Permittee to the PWA as part of a Grading Permit application. This application shall include some or all of the following informational items, if requested by the PWA:

- Geology Report prepared by a California Professional Geologist
- Geotechnical/Soils Engineering Report prepared by a licensed Civil Engineer
- Drainage Analysis report prepared by a licensed Civil Engineer

The design recommendations made in any required report shall be incorporated into the submitted grading plans.

Timing: Prior to the creation of a cut or fill located outside of the mineral extraction area, the Permittee shall submit the required documentation. If a Grading Permit is required, it shall be obtained by the Permittee prior to the onset of the proposed grading.

Monitoring: PWA staff shall review the submitted materials and determine whether a Grading Permit is required. PWA staff shall review any grading permit application submitted and issue a permit if the proposed grading meets established ordinance standards.

31. Access Roadways

Access roadways shall be maintained at a width of 20 feet, have a maximum gradient of 15 percent, be capable of supporting a 20-ton Ventura County Fire Protection District (VCFPD) vehicle, and located to allow fire suppression equipment to be placed within 150 feet of any onsite building. A turnaround area for fire suppression vehicles shall also be provided and maintained.

32. Fire Code Compliance

The Permittee shall obtain all Fire Code Permits required by applicable Ventura County Fire Protection District regulations

33. Tree Protection Plan

Purpose: To comply with the County's Tree Protection Regulations (TPR) set forth in § 8107-25 et seq. of the Ventura County Non-Coastal Zoning Ordinance (NCZO) and the Tree Protection Guidelines (TPG), [and with the Oak Woodland Conservation Act (OWCA) (PRC § 21083.4, Fish and Game Code § 1361.

Requirements:

- a. The Permittee shall avoid impacting protected trees to the extent feasible and shall offset or mitigate any damage to protected trees or associated impacts from such damage.
- b. If protected trees are felled/damaged and require offsets/mitigation pursuant to the TPR (§ 8107-25.10) and TPG (§ IV.C, Offset/Replacement Guidelines), the Permittee shall post a financial assurance to cover the costs of planting and maintaining the offset trees.
- c. Oak trees that make up the oak woodlands shall be replaced at a ratio of no less than 5:1 as described in the FEIR.

Documentation: The Permittee shall prepare and submit to the Planning Division for review and approval, a TPP pursuant to the “Content Requirement for Tree Protection Plans” that is currently available on-line at: <http://www.ventura.org/rma/planning/pdf/permits/tree/Tree-Protection-Plan-11-11-19.pdf>. The TPP must include (but is not limited to):

- d. Measures to protect all TPR-protected trees whose tree protection zones (TPZs) are within (50 feet / less than 50 feet is acceptable with appropriate sign-off from a qualified arborist) of the construction envelope (including stockpile and storage areas, access roads, and all areas to be used for construction activities) or within 10 feet of other trees proposed for felling or removal;
- e. Offset or mitigation that will be provided for any trees approved for felling; and
- f. Offset or mitigation that will be provided should any protected trees be damaged unexpectedly.

A qualified arborist shall prepare the TPP in conformance with the County’s TPR, TPG, and “Content Requirements for Tree Protection Plans.”

If in-lieu fees will be paid to a conservation agency for tree offsets/mitigation, the Permittee shall submit to the Planning Division for review and approval, a tree mitigation plan from a conservation agency that explains how the mitigation funds will be used to support the preservation of protected trees. After the Planning Division’s review and approval of the tree mitigation plan, the Permittee shall provide the Planning Division with a copy of the contract between the conservation agency and the Permittee.

If a financial assurance is required for tree offsets/mitigation, the Planning Division shall provide the Permittee with a “Financial Assurance Acknowledgement” form. The Permittee shall submit the required financial assurance and the completed “Financial Assurance Acknowledgement” form to the Planning Division. The Permittee shall submit annual verification that any non-cash financial assurances are current and have not expired.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit the TPP to the Planning Division for review and approval, implement all prior-to-construction tree protection measures, and submit the required documentation to demonstrate that the Permittee implemented the tree protection measures. Unless otherwise approved by the Planning Director, replacement and transplant trees must be planted within one year of damage or removal. Other monitoring and reporting dates shall be as indicated in the approved TPP.

If in lieu fees are required and will be paid to the Planning Division's Tree Impact Fund, the Permittee shall submit these fees prior to the issuance of a Zoning Clearance for Use Inauguration. Where a TPP damaged tree addendum is prepared, the Permittee shall remit payment of the fees within 30 days of Planning Division's approval of the addendum.

If in lieu fees are required and will be paid to an approved conservation agency, the Permittee shall submit these fees, along with the required tree mitigation plan and contract from the conservation organization, prior to the issuance of a Zoning Clearance for Use Inauguration.

If a financial assurance is required, the Permittee shall submit the required financial assurance and the completed "Financial Assurance Acknowledgement" form prior to the issuance of a Zoning Clearance for Use Inauguration or within 30 days of the Planning Division's approval of the TPP damaged tree addendum. The Planning Division may release the financial assurance after receiving the report from the Project arborist that verifies that the replacement trees met their final 5 or 7-year performance targets set forth in the TPP.

Monitoring and Reporting: The Permittee shall retain an arborist to monitor and prepare the documentation regarding the health of the protected trees, pursuant to the monitoring and reporting requirements set forth in the "Content Requirements for Tree Protection Plans." The Planning Division maintains the approved TPP and all supporting documentation in the Project file. The Resource Management Agency, Operations Division, maintains copies of all financial documentation. Planning Division staff, Building and Safety Inspectors, and Public Works Agency grading inspectors have the authority to inspect the site during the construction phase of the Project, in order to verify that tree protection measures remain in place, consistent with the requirements of §8114-3 of the NCZO.

34. Tree Health Monitoring and Reporting

Purpose: To comply with the County's Tree Protection Regulations (TPR) in § 8107-25 of the Ventura County Non-Coastal Zoning Ordinance (NCZO) and Tree

Protection Guidelines (TPG), and with the Oak Woodland Conservation Act (OWCA) (PRC § 21083.4, Fish and Game Code § 1361).

Requirement: The Permittee shall submit annual monitoring reports, prepared by an arborist, after initiation of mining activities and until two years after the completion of activities, which address the success of tree protection measures and the overall condition of encroached-upon trees relative to their condition prior to the initiation of mining activities. If any trees are found to be in serious decline (e.g., “D” status, or “C” status if pre-construction status was “A”), the arborist’s report must include a Damaged Tree Addendum to the TPP which recommends offsets and any associated additional monitoring.

Documentation: The Permittee shall submit annual arborist reports as stated in the “Requirement” section of this condition (above).

Timing: The Permittee shall submit annual arborist reports after initiation of mining activities and until two years after the completion of construction activities.

Monitoring and Reporting: The Permittee shall implement any recommendations made by the arborist’s Damaged Tree Addendum to the satisfaction of the Planning Director. The Planning Division maintains copies of all documentation and evidence that the arborist’s recommendations are implemented. The Planning Division has the authority to inspect the site to confirm the health of the protected trees and to ensure that the recommendations made by the arborist are implemented consistent with the requirements of §8114-3 of the NCZO.

35. Obtain Permits from Federal and State Resource Agencies

Purpose: To ensure compliance with all applicable regulations implemented by State and Federal agencies.

Requirement: The Permittee shall notify the following agencies of the impending initiation of surface mining activities pursuant to the modified CUP and approved Reclamation Plan.

- California Department of Fish and Wildlife (CDFW) - Section 1602 Agreement;
- US Army Corps of Engineers (ACOE) - Section 404 Individual Permit;
- Los Angeles Regional Water Quality Control Board (RWQCB) - Section 401 Water Quality Certification; and,
- US Fish and Wildlife Service (USFWS) - Section 7 Consultation, only if the coastal California Gnatcatcher is determined to be present.

Documentation: The Permittee shall provide written proof or documentation to the Planning Division that the Permittee has obtained from each of these agencies either: (1) a letter stating that a permit is not required or, (2) an official permit.

Timing: The Permittee shall provide written documentation to the Planning Division prior to the initiation of vegetation clearing and excavation or fill activities within jurisdictional riparian habitats.

Monitoring: The Planning Division maintains a copy of the documentation provided by the Permittee in the Project file. Monitoring of any mitigation measures required by another agency is the responsibility of that agency.

36. Wildlife Best Management Practices (BMPs) for Mining Operations (FSEIR Mitigation Measure No. 1)

Purpose: To establish standard practices and procedures for surface mining operations that minimize adverse impacts on special status wildlife in the 27-acre expansion area.

Requirements: The Permittee shall develop a BMP Compliance Plan to implement standard operating procedures during all ground disturbance, construction, and operational activities that serve to avoid or minimize Project impacts on biological resources. This BMP Compliance Plan shall address the following activities:

- Prepare and implement a Worker Environmental Education Program (WEEP) to inform employees and contractors of the mine operator of the sensitive biological resources on the Project site. Information on known locations of sensitive species, measures to avoid impacts, and reporting procedures to the mine operator and to State and Federal wildlife agencies in the event that sensitive wildlife is killed, injured or found dead.
- Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas slated for disturbance. All areas of native vegetation not slated for land clearing shall be delineated and not used for vehicle parking.
- All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris shall be stored in closed containers and/or removed from the site each day. No deliberate feeding of wildlife shall be allowed.
- All pipes, culverts, and like materials stored within the Project area (does not include installed drainage or similar features) with a diameter greater than 4 inches, shall be capped or taped closed. Prior to capping or taping, these

materials shall be inspected for the presence of wildlife by a Qualified Biologist. If encountered, wildlife shall be allowed to escape unimpeded.

- To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats, pet animals shall not be allowed in any Project area during the period of mining operation.
- Should a contractor or employee inadvertently kill or injure a special-status animal, or find one either dead, injured, or entrapped, a representative of the mine operator shall report the incident to the USFWS and/or CDFW by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification to these agencies and the Planning Division shall be provided in writing within three working days of the incident or finding. Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW or USFWS for care, analysis, or disposal.

Documentation: The Permittee shall provide the Planning Division with a BMP Compliance Plan prepared by a County-approved Qualified Biologist that satisfies the above requirements.

Timing: The Permittee shall obtain approval of the BMP Compliance Plan prior to issuance of the Zoning Clearance for Use Inauguration. A monitoring report or letter prepared by a Qualified Biologist shall be submitted to the Planning Division prior to disturbance within the expansion areas and included as part of the annual SMARA inspection.

Monitoring and Reporting: The Permittee shall include documentation verifying BMP Compliance Plan implementation as part of the Annual Compliance Report. The documentation shall include any incidents involving wildlife special status species.

37. Pre-Land Clearing Special status Plant Surveys (FSEIR Mitigation Measure No. 2)

Purpose: To minimize impacts on any special status plant species that may be present near the 27 acres of expansion disturbed by surface mining activities.

Requirement: Special-status plant species found to be located within 100 feet of expansion impact areas shall be relocated to a suitable area on the subject property. Special status species include listed threatened or endangered species on Federal and State Endangered Species Act lists, Ventura County Locally Important Species list, or California Rare Plant Rank 1A, 1B, 2, 3, and 4 species.

Prior to land-clearing activities associated with the expansion area, pre-construction field surveys for special status plant species shall be conducted to clearly determine and delineate the exact locations and numbers of plants onsite in and adjacent to impact areas to be avoided or relocated. A Qualified Biologist shall conduct the surveys. Surveys shall be conducted during the bloom period of potentially occurring species, and locations of special status plants shall be flagged two weeks prior to construction within and immediately adjacent to the Project site. For federally or State-listed plants that are found in disturbance areas or within 100 feet of disturbance areas, relocation of the rare plants shall occur as directed by the County, in consultation with the USFWS and CDFW, to suitable habitat areas on the subject property outside of impacted areas. The mitigation strategy for each rare plant species includes:

- Collect seeds or propagules from onsite plants to replace impacted plants onsite; and
- Salvage existing plants to be impacted, and relocate them to suitable planting area(s) onsite.

Mitigation plantings shall be maintained and monitored for a period of five (5) years after initial planting. Seeding may require several seed sowing events to establish viable reproducing populations at the onsite mitigation site.

Documentation: The Permittee shall submit a signed contract to the Planning Division demonstrating they have retained a Qualified Biologist to conduct the required surveys.

Timing: The Permittee shall obtain approval of the signed contract to retain a Qualified Biologist from the Planning Division prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring and Reporting: Within 30 days of completion of land clearing activities, a monitoring report shall be submitted with the results of the pre-land clearing surveys, photos and locations of any flagged rare plants, any seed or propagule collected, any plants that were salvaged and the locations to which they were relocated. The condition of any mitigation plantings shall be reported annually to the Planning Division by the mine operator. This information is to be included in the annual SMARA inspection report.

38. Pre-Land Clearing Surveys and Relocation of Special-Status Wildlife (FSEIR Mitigation Measure No. 3)

Purpose: To avoid significant impacts on special-status wildlife that could occur during removal of native vegetation as part of the 27-acre area of expanded surface mining activities.

Requirement: No more than one week prior to the initiation of vegetation removal, a County-approved Qualified Biologist shall conduct surveys of the new disturbance area(s) to determine whether any of the following special-status wildlife species are present:

- Coast horned lizard
- Coast patch-nosed snake
- Loggerhead shrike
- Burrowing Owl
- Pallid Bat
- Spotted Bat
- California leaf-nosed Bat
- Ringtail
- American Badger
- Coastal whiptail
- Cooper's hawk
- Sharp-shinned hawk
- Southern California rufous-crowned sparrow
- Bell's sage sparrow
- Costa's hummingbird
- Bell's sage sparrow
- White-tailed kite
- California horned lark
- Allen's hummingbird

Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by the vegetation removal activities. A County-approved Qualified Biologist, with a CDFW Scientific Collecting Permit, shall conduct the surveys and relocation activities according to methods approved by the CDFW.

Documentation: The Permittee shall provide to the Planning Division, a signed contract with a County-approved Qualified Biologist that ensures that wildlife surveys, and relocation of wildlife will be conducted within 7 days prior to any vegetation removal activities. The Permittee shall submit a memorandum to the Planning Division that documents the results of the surveys and relocation activities.

Timing: The Permittee shall obtain approval of the signed contract from the Planning Division prior to the disturbance of vegetation within the additional 27 acres of mining area. Within 14 days of the completion of the wildlife surveys and relocation activities, the Permittee shall provide a memorandum that summarizes the results of the surveys and relocation activities to the Planning Division.

Monitoring and Reporting: The Planning Division maintains copies of the signed contract and the survey reports in the Project file. The Planning Division has the authority to inspect the Project site to ensure that the survey and wildlife relocation work is conducted as required. If the Planning Division confirms that the required surveys and relocation actions are not conducted or conducted inaccurately, enforcement actions may be initiated in accordance with §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

39. Avoidance of Impacts on Coastal California Gnatcatcher (*Poliioptila californica*) (FSEIR Mitigation Measure No. 4)

Purpose: In order to prevent impacts on the coastal California gnatcatcher, land clearing activities within the expanded 27-acre area shall be regulated.

Requirement: Prior to all tree removal/trimming, vegetation clearing, mining, and grading activities (collectively, “land clearing activities”) within the expansion area, a Qualified Biologist authorized under §10(a)(1)(A) of the Endangered Species Act shall conduct protocol surveys for coastal California gnatcatcher, in accordance with the USFWS “Coastal California Gnatcatcher (*Poliioptila californica*) Presence/Absence Survey Guidelines” (February 28, 1997). The Qualified Biologist shall conduct the surveys within one-year of initiating land clearing activities, and surveys are valid for a period of one year. The survey area must include all areas that will be subject to land clearing activities and the area within 500’ of the area that will be subject to land clearing activities. The Qualified Biologist shall follow this protocol unless otherwise authorized by the USFWS in writing.

If surveys confirm the presence of coastal California gnatcatcher on the site, then the Permittee shall implement either one of the following procedures:

- a. If the Project involves federal permitting or funding (collectively, “federal nexus”), then the Permittee must complete consultation with the federal agency and USFWS pursuant to §7(a)(2) of the Endangered Species Act; or
- b. If the Project does not involve a federal nexus, but may result in the take of coastal California gnatcatcher, the Permittee shall apply to the USFWS for an incidental take permit, pursuant to §10(a)(1)(B) of the Endangered Species Act. To qualify for the incidental take permit, the Permittee shall submit an

application to the USFWS together with a habitat conservation plan (HCP) that describes (at a minimum) how the impacts of the proposed taking of coastal California gnatcatcher shall be minimized and mitigated, and how the plan will be funded. See 50 CFR 17.32 for a complete description of the requirements for a HCP.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a Qualified Biologist with a §10(a)(1)(A) permit under the Endangered Species Act documenting the results of the protocol surveys for coastal California gnatcatcher.

If coastal California gnatcatchers are found during the protocol surveys, the Permittee shall submit the following to the Planning Division:

- c. If the Project involves federal permitting or funding, the Permittee shall submit a copy of one of the following documents: (a) a Biological Opinion issued by the USFWS; or (b) a written concurrence letter from the USFWS stating the Project is unlikely to adversely affect the coastal California gnatcatcher; or
- d. If the Project does not involve federal permitting or funding, the Permittee shall submit a copy of one of the following documents: (a) an incidental take permit and HCP; or (b) a written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the coastal California gnatcatcher.

Timing: Prior to disturbance of vegetation within the 27 acre expansion area, the Permittee shall provide to the Planning Division a copy of the Survey Report and— if coastal California gnatcatchers are confirmed to be present during the protocol surveys—the Permittee shall also provide a copy of one of the following, as appropriate, in accordance with the requirements set forth above: (a) the Biological Opinion issued by the USFWS; (b) the written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the coastal California gnatcatcher; or (c) the incidental take permit and HCP.

The Qualified Biologist shall conduct the protocol surveys within one-year of initiating land clearing activities. If the surveys reveal the presence of coastal California gnatcatcher, then the survey results shall remain valid for three years. If the surveys do not reveal the presence of coastal California gnatcatcher, then the survey results shall remain valid for one year.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and documents issued by the USFWS prior to disturbance within the 27-acre mining expansion area. The Planning Division has the authority to inspect the Project site to ensure that the Permittee implements the mitigation measures set forth in the Biological Opinion or HCP (as applicable). If the Planning

Division confirms that the Permittee is not maintaining the Project site in compliance with the Biological Opinion or HCP, Planning Division staff has the authority to initiate enforcement actions pursuant to §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

40. Avoidance of Impacts on least Bell's vireo (*Vireo bellii pusillus*) (FSEIR Mitigation Measure No. 5)

Purpose: In order to prevent impacts on the least Bell's vireo, land clearing activities within the expanded 27-acre area shall be regulated.

Requirement: Prior to all tree removal/trimming, vegetation clearing, mining, and grading activities (collectively, "land clearing activities") within the expansion area, a Qualified Biologist authorized under §10(a)(1)(A) of the Endangered Species Act shall conduct protocol surveys for least Bell's vireo, in accordance with the USFWS "Least Bell's Vireo Survey Guidelines" (January 19, 2001). The Qualified Biologist shall conduct the surveys within one-year of initiating land clearing activities, and surveys are valid for a period of one year. The survey area must include all riparian and other potential vireo habitat areas that will be subject to land clearing activities. The Qualified Biologist shall follow this protocol unless otherwise authorized by the USFWS in writing.

If surveys confirm the presence of Least Bell's vireo on the site, then the Permittee shall implement either one of the following procedures:

- a. If the Project involves federal permitting or funding (collectively, "federal nexus"), then the Permittee must complete consultation with the federal agency and USFWS pursuant to § 7(a)(2) of the Endangered Species Act; or
- b. If the Project does not involve a federal nexus but may result in the take of least Bell's vireo, the permittee shall apply to the USFWS for an incidental take permit, pursuant to §10(a)(1)(B) of the Endangered Species Act. To qualify for the incidental take permit, the Permittee shall submit an application to the USFWS together with a habitat conservation plan (HCP) that describes (at a minimum) how the impacts of the proposed taking of Least Bell's vireo shall be minimized and mitigated, and how the plan will be funded. See 50 CFR 17.32 for a complete description of the requirements for a HCP.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a Qualified Biologist with a §10(a)(1)(A) permit under the Endangered Species Act documenting the results of the protocol surveys for Least Bell's vireo.

If Least Bell's vireo are found during the protocol surveys, the Permittee shall submit the following to the Planning Division:

- c. If the Project involves federal permitting or funding, the Permittee shall submit a copy of one of the following documents: (a) a Biological Opinion issued by the USFWS; or (b) a written concurrence letter from the USFWS stating the Project is unlikely to adversely affect the Least Bell's vireo; or
- d. If the Project does not involve federal permitting or funding, the Permittee shall submit a copy of one of the following documents: (a) an incidental take permit and HCP; or (b) a written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the Least Bell's vireo.

Timing: Prior to disturbance of vegetation within the 27-acre expansion area, the Permittee shall provide to the Planning Division a copy of the Survey Report and if Least Bell's vireo are confirmed to be present during the protocol surveys the Permittee shall also provide a copy of one of the following, as appropriate, in accordance with the requirements set forth above: (a) the Biological Opinion issued by the USFWS; (b) the written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the Least Bell's vireo; or (c) the incidental take permit and HCP.

The Qualified Biologist shall conduct the protocol surveys within one-year of initiating land clearing activities. If the surveys reveal the presence of Least Bell's vireo, then the survey results shall remain valid for three years. If the surveys do not reveal the presence of Least Bell's vireo, then the survey results shall remain valid for one year.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and documents issued by the USFWS prior to disturbance within the 27-acre mining expansion area. The Planning Division has the authority to inspect the Project site to ensure that the Permittee implements the mitigation measures set forth in the Biological Opinion or HCP (as applicable). If the Planning Division confirms that the Permittee is not maintaining the Project site in compliance with the Biological Opinion or HCP, Planning Division staff has the authority to initiate enforcement actions pursuant to §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

41. Avoidance of Impacts on southwestern willow flycatcher (*Empidonax traillii extimus*) (FSEIR Mitigation Measure No. 6)

Purpose: In order to prevent impacts on the southwestern willow flycatcher, land clearing activities within the expanded 27-acre area shall be regulated.

Requirement: Prior to all tree removal/trimming, vegetation clearing, mining, and grading activities (collectively, "land clearing activities") within the expansion area,

a Qualified Biologist authorized under §10(a)(1)(A) of the Endangered Species Act shall conduct protocol surveys for southwestern willow flycatcher, in accordance with the USFWS "Southwestern Willow Flycatcher Protocol Revision 2000". The Qualified Biologist shall conduct the surveys within one-year of initiating land clearing activities, and surveys are valid for a period of one year. The survey area must include all riparian and other potential southwestern willow flycatcher habitat areas that will be subject to land clearing activities. The Qualified Biologist shall follow this protocol unless otherwise authorized by the USFWS in writing.

If surveys confirm the presence of southwestern willow flycatcher on the site, then the Permittee shall implement either one of the following procedures:

- a. If the Project involves federal permitting or funding (collectively, "federal nexus"), then the Permittee must complete consultation with the federal agency and USFWS pursuant to §7(a)(2) of the Endangered Species Act; or
- b. If the Project does not involve a federal nexus, but may result in the take of southwestern willow flycatcher, the permittee shall apply to the USFWS for an incidental take permit, pursuant to §10(a)(1)(B) of the Endangered Species Act. To qualify for the incidental take permit, the Permittee shall submit an application to the USFWS together with a habitat conservation plan (HCP) that describes, at a minimum, how the impacts of the proposed taking of southwestern willow flycatcher shall be minimized and mitigated, and how the plan will be funded. See 50 CFR 17.32 for a complete description of the requirements for a HCP.

Documentation: The Permittee shall provide the Planning Division a Survey Report from a Qualified Biologist with a §10(a)(1)(A) permit under the Endangered Species Act documenting the results of the protocol surveys for southwestern willow flycatcher.

If southwestern willow flycatcher are found during the protocol surveys, the Permittee shall submit the following to the Planning Division:

- c. If the Project involves federal permitting or funding, the Permittee shall submit a copy of one of the following documents: (a) a Biological Opinion issued by the USFWS; or (b) a written concurrence letter from the USFWS stating the Project is unlikely to adversely affect the southwestern willow flycatcher; or
- d. If the Project does not involve federal permitting or funding, the Permittee shall submit a copy of one of the following documents: (a) an incidental take permit and HCP; or (b) a written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the southwestern willow flycatcher.

Timing: Prior to disturbance of vegetation within the 27-acre expansion area, the Permittee shall provide to the Planning Division a copy of the Survey Report and

if southwestern willow flycatcher are confirmed to be present during the protocol surveys the Permittee shall also provide a copy of one of the following, as appropriate, in accordance with the requirements set forth above: (a) the Biological Opinion issued by the USFWS; (b) the written concurrence letter from the USFWS stating that the Project is unlikely to adversely affect the southwestern willow flycatcher; or (c) the incidental take permit and HCP.

The Qualified Biologist shall conduct the protocol surveys within one-year of initiating land clearing activities. If the surveys reveal the presence of southwestern willow flycatcher, then the survey results shall remain valid for three years. If the surveys do not reveal the presence of southwestern willow flycatcher, then the survey results shall remain valid for one year.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and documents issued by the USFWS prior to disturbance within the 27-acre mining expansion area. The Planning Division has the authority to inspect the Project site to ensure that the Permittee implements the mitigation measures set forth in the Biological Opinion or HCP (as applicable). If the Planning Division confirms that the Permittee is not maintaining the Project site in compliance with the Biological Opinion or HCP, Planning Division staff has the authority to initiate enforcement actions pursuant to §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

42. **Avoidance of Nesting Birds (FSEIR Mitigation Measure No. 7)**

Purpose: In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing and construction activities within the 27-acre expansion area shall be regulated.

Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, mining, and grading activities (collectively, "land clearing activities"), and construction in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season (January 1 – September 1), in which case the surveys described below are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season (January 1 – September 1) and avoid occupied bird nests. A Qualified Biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The Qualified Biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The Qualified Biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the Qualified Biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the CDFW, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the Qualified Biologist and approval from the Planning Division.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a Qualified Biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a Qualified Biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a Qualified Biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing or mining activities will occur within expansion areas between January 1 and September 1, the Qualified Biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to vegetation disturbance. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews the Survey Report and signed contract for adequacy prior to vegetation disturbance. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

43. California Department of Fish and Wildlife Streambed Alteration Agreement (FSEIR Mitigation Measure No. 8)

Purpose: To ensure compliance with California Fish and Game Code §1602 for impacts to approximately 1.09 acres of streambed, water, or wetland area.

Requirement: The Permittee shall obtain a SAA from the CDFW for any excavation, fill, or other land disturbance activity within the expanded Project disturbance area.

Documentation: The Permittee shall provide written proof or documentation to the County that the Permittee has obtained either: (1) the SAA from the CDFW; or, (2) written verification from CDFW stating that a SAA is not required.

Timing: The Permittee shall provide the SAA or written verification from the CDFW to the Planning Division prior to disturbance of any streambed, water, or wetland areas.

Monitoring and Reporting: The Planning Division maintains a copy of the SAA provided by the Permittee in the Project file. Monitoring of any mitigation measures required as part of the SAA is the responsibility of CDFW. Monitoring reports provided to CDFW shall be provided to Planning Division upon request.

44. Discharge of Dredged, Excavated or Fill Material to Waters of the United States (FSEIR Mitigation Measure No. 9)

Purpose: To ensure compliance with §§401 and 404 of the Clean Water Act for impacts to approximately 0.36 acre of streambed, water, or wetland areas.

Requirement: The Permittee shall obtain a §401 Certification from the Regional Water Quality Control Board and a §404 permit from the U.S. Army Corps of Engineers for excavation or fill activity in jurisdictional areas within the expanded Project excavation boundary.

Documentation: The Permittee shall provide written proof or documentation to the County that the Permittee has obtained either: (1) a §404 permit and §401 Certification; or, (2) letters from the responsible agencies stating that a §404 permit and/or the §401 Certification are not required.

Timing: The Permittee shall provide the §404 permit and §401 Certification, or letters, prior to disturbance of any streambed, water, or wetland areas.

Monitoring and Reporting: The Planning Division maintains a copy of the §404 Permit and §401 Certification, or letters, in the Project file. Monitoring reports provided to ACOE or RWQCB shall be provided to Planning Division upon request.

45. Creek and Open Space Setbacks (FSEIR Mitigation Measure No. 10)

Purpose: To minimize direct and indirect impacts to oak groves along Little Tripas Canyon and other on-site open space.

Requirement: Create a 100-foot setback from the edge of the on-site streambed habitat and adjacent open space containing high habitat function. The 100-foot setback areas shall be reclaimed to open space including revegetation of native plants consistent with the adjacent habitat.

Documentation: The permittee shall submit a setback area revegetation plan that includes seed mixes or plantings consistent with the adjacent habitat identified during current biological surveys. The plan shall also include a map of the 100-foot setbacks, which shall be applied to mined boundaries adjacent to the riparian areas, Little Tripas Canyon, and other areas where adjacent lands contain native vegetation communities (high functioning habitat) as identified through a biologist field investigation. The plan shall include revegetation methods, success criteria, and monitoring. The setback area revegetation plan shall be prepared by a Qualified Biologist and shall be provided as an amendment to the Reclamation Plan.

Timing: Prior to issuance of the Use Inaugural Zoning Clearance for the Project, the permittee shall obtain Planning Division approval of an amendment to the Reclamation Plan that provides for the setback area revegetation plan.

Monitoring and Reporting: The Planning Division will review the setback area revegetation plan and coordinate review of the amended Reclamation Plan with the State Department of Conservation Office of Mine Reclamation. Monitoring of setback area revegetation plan shall be conducted by a Qualified Biologist with reports provided to the Planning Division. The Planning Division maintains the Reclamation Plan, as amended, and monitoring reports, and will ensure revegetation success is achieved over the life of the Project.

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

46. Enhanced Dust Control Plan

Purpose: In order to minimize dust generation from onsite excavation and material transport activities, the Permittee shall implement dust control measures.

Requirement: The Permittee shall prepare an Enhanced Dust Control Plan (EDCP) for the Project site. This plan may include, but not be limited to, the following measures:

- a. Stabilization of previously disturbed areas that are currently inactive or have reached the final reclaimed topography specified in the approved Reclamation Plan through periodic application of environmentally-safe dust control agents or hydroseeding. The plant species used for hydroseeding shall be compatible with the vegetation specified in the approved Reclamation Plan. This action is required until permanent vegetation is established in accordance with the approved Reclamation Plan. Inactive areas are those mined lands that have not been disturbed for more than 180 days.
- b. Periodic application of water or environmentally-safe dust control agents to 1) onsite unpaved roadways, staging areas, and vehicle parking areas to minimize fugitive dust generated by vehicle travel, and 2) material stockpiles to minimize wind-generated dust.
- c. Enforcement of a 15 MPH vehicle speed limit on unpaved surfaces.
- d. Application of water to areas under active excavation operations, including the mine working face, if necessary to control dust.
- e. Use of misting equipment on conveyor belts.
- f. Excavation and other dust producing activities shall cease when wind speeds exceed 30 mph over a one-hour period or during other "high wind events." High wind events are defined as wind of such velocity as to cause fugitive dust to be blown from the facility to offsite areas. If fugitive dust is observed to be transported off the Project site, the Permittee shall initiate additional watering. These limitations do not apply to mining activities conducted to respond to an emergency as determined by the Planning Director.

Documentation: The Permittee shall submit the EDCP to the Planning Division for review and approval.

Timing: The EDCP shall be submitted and approved prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring: Planning Division staff, in consultation with the Ventura County Air Pollution Control District (VCAPCD), shall review, and if found adequate, approve the submitted EDCP. Permittee's use of any chemical dust stabilizer must have prior approval of the LA Regional Water Quality Control Board and the VCAPCD. County staff and/or VCAPCD staff may periodically review Permittee's implementation of the EDCP through site inspections to assure compliance with the CUP and approved Reclamation Plan. The VCAPCD has primary responsibility to investigate, respond, and resolve any citizen complaints regarding dust from the Project site.

47. Air Pollution Control District Rules and Regulations

All facilities shall be constructed and operated in accordance with the Rules and Regulations of the VCAPCD. These rules include, but are not limited to, the following:

- Rule 10 (Permits Required)
- Rule 50 (Opacity)
- Rule 51 (Nuisance)
- Rule 55 (Fugitive Dust)
- Rule 55.1 (Paved Roads and Public Unpaved Roads)

Where a VCAPCD rule conflicts with a CUP condition, the more restrictive requirement shall apply.

Monitoring: Compliance with this condition will be assured by County staff through review of site operations and reclamation during the annual inspection process required by the Surface Mining and Reclamation Act (SMARA).

48. Hauling of Aggregate to Minimize Spillage

Purpose: In order to minimize the spillage or inadvertent escape of dust, debris, and aggregate material from aggregate material hauling trucks, all loads must be hauled in trucks which conform to applicable State law and regulation.

Requirement: All aggregate material hauling trucks loaded with aggregate materials must comply with all applicable requirements of California Vehicle Code Section 23114, especially regarding the transport of aggregate materials. The Permittee shall prominently install signage on the subject property to inform all aggregate material hauling truck drivers of the legal requirements set forth in Vehicle Code §23114 at the scales, entrance and exit of the facility.

Documentation: The Permittee shall provide to the County Planning Division with photographs demonstrating that the required signs have been properly installed.

Timing: The required signage shall be installed prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring: County Planning Division staff shall review the submitted photographs to assure proper installation of required signage. The maintenance of the required signage shall be monitored by County staff during site inspections and through response to complaints. *(Note: The Permittee is not responsible for*

violations of the Vehicle Code committed by independent aggregate material hauling truck drivers.)

ENVIRONMENTAL HEALTH DIVISION

49. General Vector Control – Mosquito Breeding

Purpose: To ensure site does not contribute to the harborage and/or breeding of potential vectors of disease or create a public nuisance.

Requirement: Manage standing water onsite so it will not create mosquito breeding sources.

Timing: The Permittee shall maintain the Project site so as not to contribute to the harborage and/or breeding of mosquitos, nor the creation of a public nuisance throughout the life of the Project.

Monitoring: Ventura County Environmental Health Division (EHD) staff respond to, and maintain records of, any complaints received which relate to mosquito breeding at the site.

50. OWTS Septic Tank Abandonment

Purpose: To demonstrate compliance with state and local regulations related to the proper removal/abandonment of an existing onsite wastewater treatment system (OWTS).

Requirements: Permittee shall obtain the approval of the Ventura County Environmental Health Division (EHD) before the existing OWTS is removed or abandoned.

Documentation: Submit all applicable documentation, including permit to construct application and site plan to EHD for review and approval.

Timing: The Applicant shall obtain permission from EHD to abandon the existing OWTS at the same time the new OWTSs are approved by EHD.

Monitoring: EHD shall review and approve the permit to construct application and conduct site inspections, to assure compliance with state and local requirements.

51. Commercial OWTS Installation

Purpose: To demonstrate the feasibility for the installation of an OWTS, also known as a septic system or individual sewage disposal system. To demonstrate

compliance with state and local regulations related to the design and installation of an OWTS. Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance is allowed to be discharged into the on-site sewage disposal system in order to ensure compliance. The Los Angeles Regional Water Quality Control Board (RWQCB) regarding wastewater discharges.

Requirement: Permittee shall submit a geotechnical report and OWTS system design satisfactory to the Ventura County Environmental Health Division (EHD), Liquid Waste Program. Permittee shall also obtain the approval of the EHD to install an OWTS on the property. The Los Angeles RWQCB adopted Order No. 01-031 to require general waste discharge requirements for commercial OWTS. Complete and submit Form 200 to the State. For more information regarding the Order and waste discharge requirements (WDR), please contact the RWQCB at 213/576-6600.

Documentation: Submit soils report and OWTS application to the EHD for review and approval. Submit all applicable documentation, including permit application, site plan, system design, bedroom and fixture unit equivalent worksheet, etc., to EHD for review and approval. Provide proof that Form 200 has been received by the RWQCB.

Timing: Prior to the issuance of a building permit pertaining to the Project, OWTS design approval and permit to construct the septic systems shall be obtained from EHD. Prior to issuance of any OWTS permit EHD, provide proof to EHD that the Form 200 has been received by the RWQCB.

Monitoring: To assure compliance with this condition, EHD staff shall review and verify all relevant documentation, including but not limited to: geotechnical report, system design calculations, building codes, and historic geological data for the area. Once the OWTS design has been evaluated to the satisfaction of EHD, the OWTS plans will be approved and EHD shall issue a permit to construct, conduct site inspections, and give final approval of the OWTS. Once, issued, the LA RWQCB will monitor compliance with WDR requirements.

Ongoing Maintenance: Once the OWTS has been installed and finalized by EHD, it is the owner's responsibility to properly maintain the system to prevent OWTS failure or an unauthorized sewage release, and to prevent creating a public nuisance, health concern, or impact the environment. The septic tank shall be serviced, as needed, by a septic pumper truck registered and permitted by Ventura County EHD, and all pumping activities shall be reported to EHD. All septage wastes must be disposed of in an approved manner. EHD staff will also receive and respond to any complaints related to OWTS and/or unauthorized sewage releases.

52. Hazardous Materials / Waste Management (CUPA Permit Required)

Purpose: To comply with the California Code of Regulations Title 22, Division 4.5, California Health and Safety Code chapter 6.95; and Ventura County Ordinance Code, and to ensure the safe storage, handling, and disposal of any potentially hazardous material and/or waste.

Requirement: The Permittee shall submit a hazardous materials business plan (HMBP) to the Environmental Health Division/Certified Unified Program Agency (CUPA) for storage of hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid). If hazardous wastes are generated, an EPA ID number issued by the California Department of Toxic Substances Control must be obtained and maintained in active status.

Documentation: A completed HMBP must be submitted to the CUPA electronically through the California Environmental Reporting System (CERS).

Timing: A HMBP must be submitted through CERS annually, and whenever there is a change to the type, quantity, or location of the hazardous materials. EPA ID number must be renewed annually.

Monitoring and Reporting: Ongoing compliance with requirements shall be accomplished through field inspection by CUPA staff.

PUBLIC WORKS AGENCY

53. Notice of Substandard Access Road

Purpose: The County requires the Permittee to record a Notice of Substandard Access Roads (NSSAR) when the Project is near a substandard road, which may not be improved to the current County Road Standard in the future.

Requirement: The Permittee shall provide record notice to successors in interest of the property that approximately 250 feet of roadway at the north end of Bennett Road is not considered standard. The record notice shall acknowledge that, although this roadway segment does not create an unreasonable risk of harm when used with due care, in a manner in which it is reasonably foreseeable that it will be used, and this segment of the road is of a rural nature with widths, grades, and other road features that would be considered substandard if it was being designed or built today, and that the County does not currently and also may not in the future have funds available to improve this segment of Bennett Road.

The NSSAR condition shall identify the following:

- a. The Project property is served by existing public roads that do not meet current County road standards;
- b. The Permittee shall acknowledge that the portion of Bennett Road, approximately 250 feet south of milepost 0.61, that serves the Project site, does not meet current County Road Standards;
- c. The private portions of this road and the private roads are neither County-maintained nor currently eligible for any improvements at the expense of the County of Ventura;
- d. The portion of Bennett Road, approximately 250 feet south of milepost 0.61 is of rural nature with widths, grades, and other road features that would be considered substandard if it was being designed or built to current standards;
- e. This road is to be used with due care in a manner in which it is reasonably foreseeable that they will be used; and
- f. There are no current funding sources available to construct the improvements on this portion of the existing public roads in this area.

Documentation: The Permittee shall bring the draft NSSAR to the Public Works Agency Transportation Department (PWATD) for review prior to recordation. A template of the NSSAR is available at <http://pwa.ventura.org/one-stop-permitting/transportation-forms>. If requested, the PWATD can provide a draft of the Notice to the Permittee. When approved, the Permittee shall record the NSSAR with the County Recorder. The Permittee shall provide PWATD with a copy of the recorded Notice.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring: The PWATD will accept the recorded NSSAR from the Permittee in conformance with the Project conditions.

54. Encroachment Permit

Purpose: An Encroachment Permit is required for any existing encroachment and new work conducted within the County right-of-way.

Requirement: The Permittee shall contact the Encroachments Division for requirements of the permit.

- a. There is an unpermitted existing gate on the County maintained portion of Bennett Road, just south of the Project site at milepost 0.36. A permit must be issued to allow the placement of a gate on a public road which is subject to

approval from the Board of Supervisors. An encroachment permit is also required for the removal of the gate.

- b. Stop sign installations in the County road right-of-way must be evaluated to meet traffic warrants and be approved by PWATD. Unpermitted stop signs and private property signs have been installed on Bennett Road just south of the Project site on the public roadway at milepost 0.36 and must be removed.

Documentation: The application shall be submitted to the PWATD.

Timing: This condition shall be met prior to the issuance of the Building Permit or Zoning Clearance for Use Inauguration, whichever comes first.

Monitoring and Reporting: The PWATD will review the application and supporting documentation. PWATD Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit.

INTEGRATED WASTE MANAGEMENT DIVISION

55. Waste Diversion & Recycling Requirement

Purpose: To ensure the Project complies with Ordinance No. 4445 which pertains to the diversion of recyclable materials generated by this Project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed on the County's web site at www.vcpublicworks.org/ord4445.

Requirement: Ordinance 4445, §4770-2.2, requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by the Project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublicworks.org/commercialhaulers.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

56. Construction & Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance 4421 requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by the Project (e.g., wood, metal, greenwaste, soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage. Review Ordinance 4421 at: www.vcpublishworks.org/ord4421. Further, the 2016 California Green Building Code §§4.408 and 5.408 require a minimum of 65 percent diversion of construction and demolition materials from landfill disposal.

Requirement: The Permittee must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 65 percent of the recyclable C&D debris generated by the Project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at: <http://onestoppermit.ventura.org/>. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste & recycling facilities in Ventura County is available at: <http://onestoppermit.ventura.org/>. A list of local facilities permitted to recycle soil, wood, and greenwaste is available at: www.vcpublishworks.org/greenwaste. A complete list of County-franchised solid waste haulers is available at: www.vcpublishworks.org/commercialhaulers.

Timing: Upon Building and Safety Division's issuance of a building permit for the Project, the Permittee must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring & Reporting: The Permittee is required to keep a copy of their approved Form B – Recycling Plan until Building and Safety Division's issuance of final permit.

57. Construction & Demolition Debris Reporting Form (Form C)

Purpose: Ordinance 4421 requires the Permittee to divert recyclable C&D materials generated by the Project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage. Review Ordinance 4421 at: www.vcpublishworks.org/ord4421. The 2016 California Green Building Code §§4.408 and 5.408 require a minimum of 65 percent diversion of construction and demolition materials from landfill disposal.

Requirement: The Permittee must submit a Form C – Reporting Form to the IWMD for approval upon issuance of their final Building and Safety Division permit. A copy of Form C – Reporting Form is available at: <http://onestoppermit.ventura.org/>.

Documentation: The Permittee must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 65 percent of the recyclable C&D debris generated by the Project is diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval at the time of Building and Safety Division’s issuance of final permit.

Monitoring & Reporting: The Permittee is required to keep a copy of their approved Form C – Reporting Form until Building and Safety Division’s issuance of final permit.

58. Commercial Vehicles and Equipment - Used Oil Recycling

Purpose: To ensure the recycling of motor oil and oil filters, and the removal of antifreeze from commercial vehicles and equipment.

Requirement: The Permittee shall ensure compliance with state and federal hazardous waste regulations. See: <http://www.calrecycle.ca.gov/UsedOil/PolicyLaw/default.htm>. The Permittee shall contract with a registered hazardous waste transporter to ensure motor oil, oil filters, and antifreeze generated by their business is taken to a registered used oil recycling facility. A list of registered hazardous waste transporters is available at: <http://www.dtsc.ca.gov/database/Transporters/Trans000.cfm>.

A list of registered used oil recycling facilities is available at: www.calrecycle.ca.gov/UsedOil/Reports/CenterSearch

Documentation: The Permittee shall maintain original billing statements generated by their registered hazardous waste transporter(s) to verify compliance with this condition.

Timing: Original billing statements shall be kept on file for a minimum of three years.

Monitoring and Reporting: Upon request, the Permittee shall provide copies of current billing statements to the IWMD to verify that used motor oil, oil filters, and

antifreeze generated by vehicles and equipment that are permitted for use by this CUP, are properly recycled.

59. **Automobile & Truck Tire Diversion - Reuse or Recycling**

Purpose: Ordinance 4308 requires the Permittee to divert recyclable materials (e.g., tires, wood, metal, greenwaste, soil, concrete, paper, cardboard, plastic containers, etc.) from local landfills through recycling, reuse, or salvage.

Review Ordinance 4308 at:

www.vcpublicworks.org/ord4308.

A list of facilities authorized to recycle tires is available at:

www.calrecycle.ca.gov/tires/facilities/search/default.asp.

Requirement: The Permittee must ensure waste tires from this Project are not disposed at a landfill when tire recycling and/or salvage (reuse) options exist, and the cost of tire recycling and/or salvage does not exceed the cost of landfill disposal.

Documentation: The Permittee must submit a quarterly report to the IWMD that includes the following information:

- a. The number of tires removed from salvaged vehicles and sold for reuse in the previous quarter based on sales receipts.
- b. The weight of waste tires recycled in the previous quarter based on registered waste tire hauler manifests or tire recycling facility receipts.
- c. The weight of tires disposed at a landfill in the previous quarter based on landfill receipts.
- d. The jurisdiction of origin of all tires disposed at a landfill.
- e. Copies of receipts from registered waste tire haulers, sales receipts, and/or landfill receipts must be included in the Permittee's quarterly report to the IWMD to verify reuse, recycling, or landfill disposal of waste tires occurred.

Timing: A quarterly report must be received by the IWMD no later than 30 days after the close of the previous quarter.

Monitoring & Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to ensure waste tires generated by this Project are salvaged for reuse, recycled, or disposed in a landfill.

60. **Stormwater Development Construction Program**

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit) the Project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program”.

Requirement: The construction of the proposed Project shall meet requirements contained in Part 4.F. “Development Construction Program” through the inclusion of effective implementation of Construction Best Management Practices during all ground disturbing activities.

Documentation: The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSWP) for review and approval a completed and signed SW1 form (Best Management Practices for Construction Less Than One Acre), which can be found at: <http://onestoppermit.ventura.org/>.

Timing: The above listed item shall be submitted to the CSWP for review and approval prior to issuance of a Zoning Clearance for Construction.

Monitoring and Reporting: CSWP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required Best Management Practices.

61. State General Industrial Stormwater Permit No. CAS000001 Requirements

Purpose: To ensure the Project maintains compliance with all water quality provisions in accordance with NPDES General Permit (No. CAS000001), Waste Discharge Requirements for Discharges of Stormwater Runoff Associates with Industrial Activities.

Requirement: Proper filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001).

Documentation: The Permittee shall submit the following items to the Watershed Protection District – County Stormwater Program Section (CSWP) staff for review:

- a. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the NPDES General Industrial Stormwater Permit (No. CAS000001); or verification of payment for current coverage year, whichever one is more recent;
- b. Copy of the Project Stormwater Pollution Prevention Plan (SWPPP); and
- c. Copy of the most recent Annual Report if applicable; or

d. Copy of Notice of Termination approved by RWQCB - LA

Timing: The above listed items shall be submitted to the Public Works Agency (PWA), Storm Water Quality Section for review prior to Zoning Clearance for Use Inauguration.

Monitoring and Reporting: CSWP staff will review the submitted materials for consistency with the General Industrial Stormwater Permit. Current and site-specific SWPPP shall be kept on-site for periodic review by the CSWP inspectors.

62. Submit documentation of on-site water well status and annual usage

Purpose: To comply with §4826 Aquifer Protection Program of the Ventura County Ordinance Code.

Requirement: The Permittee shall submit to PWA, a report of the volume of groundwater extracted, as measured by flowmeter if so equipped, or other reasonable means, and the total time the well was operated within the preceding twelve (12) months. In addition, for water wells constructed to allow access for water level measuring, the static water level in each water well shall be measured and reported annually. Any results from a completed aquifer pump test, or groundwater quality data collected shall also be reported.

If a well is classified as abandoned, as defined in §4812, a certificate of exemption shall be obtained or the well may be returned to active status by completing a well condition inspection report in the manner provided in §4820, or the well shall be destroyed as required by §4819.

Documentation: Provide the required well status and usage report for the following wells identified as active wells on the site in the County well database.

Timing: The above listed item shall be submitted to the CSWP for review and approval prior to issuance of a Zoning Clearance for Construction.

Monitoring: Permittee shall submit annual usage statements in accordance with §4826 of the Ventura County Ordinance Code.

63. Limitations on Mining Area, Depth and Slopes

Purpose: In order to protect groundwater resources in the Tapo/Gillibrand Groundwater Basin, exposure of the groundwater aquifer shall be avoided.

Requirement: A minimum 10-foot clearance must be maintained above maximum high groundwater in all existing and proposed excavations or quarry operations.

If High Groundwater is Encountered - In the event mining results in the exposure

of groundwater, the permittee shall immediately cease all mining activities at that location and advise the Planning Director and Public Works Agency (PWA). Refilling of the excavation exposing groundwater shall be performed as described in Condition No. 79 below.

Documentation: Groundwater levels in or near the Project area submitted to the Public Works Agency by the permittee's consultant are accepted as the high groundwater levels in those areas. The maximum excavation depth is shown on the approved Mining and Reclamation Plan Figures. Reporting of compliance shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition No. 3.

Timing: Documentation of compliance with this Condition of Approval shall be submitted annually to the Planning Division and PWA with the Annual Compliance Report required by Condition No.3.

Monitoring: The Planning Division in coordination with PWA will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

64. Design of Erosion Control Devices

Purpose: In order to ensure that onsite drainage is conveyed in a safe manner and does not contribute to offsite flooding, drainage systems shall be constructed and maintained in accordance with established standards.

Requirements: The design of all drainage systems shall be performed by a registered Civil Engineer. The design and inspection of all erosion control devices shall be performed by the Project's Qualified Stormwater Designer (QSD) or Certified Professional in Erosion and Sediment Control (CPESC).

Documentation: Design reports and associated plans for any new drainage systems shall be submitted to the Planning Division for Public Works Agency (PWA), Watershed Protection District (WPD) review and approval. Documentation of construction and maintenance of erosion control Best Management Practice devices shall be included in the Stormwater Pollution Prevention Plan (SWPPP).

Timing: The permittee shall submit design reports and plans for new drainage systems to the Planning Division for PWA, Watershed Protection District review and approval prior to construction.

Monitoring: PWA, Watershed Protection District shall review any submitted documentation for compliance with regulatory requirements. County Planning Division will also review the required documentation as part of ongoing compliance with this CUP and the Surface Mining and Reclamation Act (SMARA).

65. Installation of Erosion Protection, Main Quarry

Purpose: In order to ensure that onsite drainage is conveyed in a non-erosive manner and does not contribute to offsite sedimentation, erosion protection systems shall be constructed and maintained in accordance with established standards.

Requirements: The permittee shall install necessary temporary erosion protection structures in the main active quarry area(s) to the satisfaction of the Project's Qualified Stormwater Designer (QSD) or Certified Professional in Erosion and Sediment Control (CPESC).

Documentation: Results of the Project's Qualified Stormwater Designer (QSD) or Certified Professional in Erosion and Sediment Control (CPESC) inspection of installation of the erosion control devices will be included in the annual condition compliance inspection of the site.

Timing: The permittee shall submit documentation of compliance with this Condition of Approval annually to the Planning Division and Public Works Agency with the Annual Compliance Report required by Condition No.3.

Monitoring: The Planning Division in coordination with the Public Works Agency will monitor compliance with this Condition of Approval through its annual SMARA compliance review, plan review, permit issuance, and site inspection functions.

66. Prevention of Reduced Groundwater Recharge

Purpose: To prevent the reduction of groundwater recharge due to mining operations in the permit area.

Requirement: A Ground Water Basin Protection Plan (GWBPP) shall be maintained with the Public Works Agency (PWA), Groundwater Resource Section (GRS).

Documentation: The GWBPP shall implement the following measures:

- a. Terraces, drainage berms and drainage basins shall be designed to maximize the potential infiltration of runoff.
- b. Drainage basins and open mining pits shall be periodically cleared of debris and fine soils material to maximize infiltration into the subsurface. Schedules and techniques for the removal of fines and debris from these areas shall be documented in the GWBPP.
- c. A layer of permeable formation material (Saugus Formation or predominately fine-grained sand or coarser Pico Formation materials), not less than ten (10) feet in thickness, shall be left over impermeable Modelo Formation to increase potential infiltration into the groundwater basin.

Timing: An annual report demonstrating compliance with the GWBPP shall be submitted to the PWA, GRS and included in the annual condition compliance inspection of the site conducted pursuant to Condition No.3.

Monitoring: The Planning Division in coordination with PWA will monitor compliance with this Condition of Approval through its annual SMARA compliance review, plan review, permit issuance, and site inspection functions.

67. Reduction of Impact to Groundwater from Standing Water

Purpose: To reduce the retention time of water in the mining pits and in the drainage basins.

Requirement: Mining pits and drainage basins shall be periodically cleared to facilitate percolation.

Documentation: Information about work to remove fines and debris from these areas shall be submitted to the PWA, GRS and Planning and shall be included in the annual condition compliance report for the site.

Timing: Documentation of compliance with this Condition of Approval shall be submitted annually to the Planning Division and the PWA, GRS with the Annual Compliance Report required by Condition No.3.

Monitoring: The Planning Division in coordination with PWA will monitor compliance with this Condition of Approval through its annual SMARA compliance review, plan review, permit issuance, and site inspection functions.

68. Reduction of Impact to Groundwater from Accidental Spills

Purpose: To reduce the potential impact to groundwater quality from accidental spills of hazardous substances in the permit area.

Requirement: The following procedures shall be followed:

- a. Fuels, solvents and any other fluids that may contaminate soils, groundwater or surface water shall be stored in the areas that have impervious floors and impervious sidewalls with sufficient capacity to contain accidental spills. The site shall be in compliance with the Industrial Stormwater General Permit issued by the California State Water Resources Control Board (SWRCB), or as required by the SWRCB.
- b. Fueling and maintenance operations of vehicles and equipment at the mining area shall be conducted in accordance with the Spill Prevention Control and Countermeasure (SPCC) plan.

- c. An Emergency Remedial Response Plan (ERRP) shall be prepared for the treatment of soils, groundwater or surface water in the event of an accidental spill.

Documentation: The permittee shall provide proof of compliance with the SWRCB General Industrial Stormwater Permit, or other permit as required by the SWRCB, including maintenance of a Stormwater Pollution Prevention Plan (SWPPP). The Permittee shall maintain an SPCC plan and an ERRP plan.

Timing: Documentation of compliance with this Condition of Approval shall be submitted annually to the Planning Division with the Annual Compliance Report required by Condition No.3.

Monitoring: The Planning Division in coordination with PWA will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

69. Reduction of Impacts from Ground Motion - FEIR Mitigation Measures

Purpose: To increase safety and reduce the impacts to property due to strong ground motion.

Requirement: All new structures shall be constructed in accordance with latest edition of the Ventura County Building Code.

Documentation: All construction subject to permitting by Ventura County Building and Safety Division shall obtain the appropriate permits.

Timing: All appropriate Building and Safety permits shall be obtained prior to new construction.

Monitoring: The Planning Division in coordination with the Building and Safety Division will monitor compliance with this Condition of Approval through its annual SMARA compliance review, plan review, permit issuance, and site inspection functions.

70. Reduction of Impacts from Potential Slope Instability and Hydraulic Hazards - FEIR Mitigation Measure

Purpose: To increase safety and reduce the impacts to property due to slope instability and hydraulic hazards.

Requirement: The following procedures shall be followed:

An engineering geologist and/or geotechnical engineer shall annually conduct a site observation.

Documentation: If determined necessary for conditions observed during the site inspection, the permittee shall prepare for the review and approval of the Public Works Agency an evaluation of the slope stability and/or hydraulic hazard condition including consideration of the stability of temporary cuts during mining operations and permanent cut slopes after mining operations, as well as recommendations for the mitigation of slope hazards.

Temporary cuts and fills are defined as slopes that are temporarily inactive for more than twelve months. The consideration of the safety and stability of temporary cuts and fills shall be based upon visual observations of the area in question.

Timing: Recommendations for the mitigation of slope hazards shall be submitted and approved by the Planning Division and PWA prior to work being commenced. Documentation of compliance with this Condition of Approval shall be submitted annually to the Planning Division with the Annual Compliance Report required by Condition No. 3.

Monitoring: The Planning Division in coordination with PWA will monitor this Condition of Approval through its plan review, permit issuance and site inspection functions.

71. **Slope Stability Analysis: Landslide Area - FEIR Mitigation Measure**

Purpose: To increase safety and reduce the impacts to property due to mining activities near an offsite landslide area.

Requirement: The permittee shall obtain approval of a separate zoning clearance prior to commencing mining in the areas near the landslide located on Plate 1 of the Tetra Tech Report, dated March 1, 2017. A Stability Analysis must be prepared by a licensed engineering geologist and shall include recommendations to ensure stability of the landslide during mining, reclamation, and post-reclamation.

Documentation: A report of the Stability Analysis shall be submitted to the Planning Division and Public Works Agency. A zoning clearance application shall also be submitted.

Timing: Prior to commencing mining operations near the offsite landslide, the permittee shall submit to the Stability Analysis to the Planning Division in coordination with the Public Works Agency and obtain review and approval of the analysis. The permittee must obtain a zoning clearance prior to beginning mining in the area near the landslide.

Monitoring: The Planning Division in coordination with PWA will monitor this Condition of Approval through its annual SMARA compliance review, plan review,

permit issuance, and site inspection functions.

72. Minimum Safety Factor and Slope Angle Ratio for Final Reclaimed Slopes

Purpose: To increase safety and reduce the impacts to property due to long term slope instability.

Requirement: Unless otherwise approved by the Planning Division in coordination with the Public Works Agency (PWA), all final slopes shown on the approved Reclamation Plan shall meet the following criteria:

- a. Have a slope safety factor appropriate for the end use that is determined by geotechnical analysis to be grossly and surficially stable, or
- b. Have a slope angle ratio of no less than 2:1 (horizontal to vertical).

The safety factor or slope angle ratio is designed to ensure the long-term stability of the slope, based on the assumption that no maintenance is performed on the slope once the approved Reclamation Plan is complete. The minimum slope angle ratio of 2:1 is designed to minimize the long-term erosion potential of the slope, provide for successful planting of the slope, and provide for passage of cattle and wildlife across the slope consistent with the post-reclamation end uses of the site. Since these criteria are concerned with different issues, both criteria must be met or exceeded.

The slope angle ratio resulting from the above criteria may be modified by the Planning Director, in consultation with PWA. The slope safety factors for Project slopes shall be determined by a qualified professional, acceptable to the PWA, as part of the approved Reclamation Plan or any updates submitted to the County.

Documentation: Proof of compliance with this Condition of Approval shall be provided in the form of topographic maps showing overall slope angles, or in the form of a report prepared by a qualified professional documenting compliance with the requirements above.

Timing: Documentation of compliance with this Condition of Approval shall be submitted for final reclaimed slopes prior to final certification of reclamation.

Monitoring: The Planning Division in coordination with PWA will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

73. Alternative Plans for Backfilling of Final Reclaimed Slopes

Purpose: To ensure localized mining deeper than the authorized elevations shown on the Approved Mining and Reclamation Plan does not occur without prior approval.

Requirement: At no time shall grading or excavation extend to elevations below those shown on the Approved Reclamation Plan unless alternative plans are approved in writing by the Planning Director, in consultation with the Public Works Agency (PWA). All of the following requirements must be met in order for the Planning Director, in consultation with PWA, to approve alternative plans which allow backfilling in order to reach final grades shown on the approved Reclamation Plan:

- a. The backfilling is undertaken in stages throughout the life of the Project in order to prevent all or most of the backfilling from occurring at or near the end of the Project mining/excavation activity; and
- b. Adequate reserves (both in quantity and quality) are available for backfilling. The location of the material reserves must be identified to the satisfaction of the Planning Director, and must be shown to meet the requirements and standards of the PWA.

The term "backfilling" does not apply to top soil and soil amendments required to revegetate the site as described in the approved Reclamation Plan. These top soil and soil amendments shall not exceed a depth of 5 vertical feet at any given location.

Documentation: If excavation below the elevations shown on the approved Reclamation Plan is required, a plan demonstrating compliance with the requirements described above shall be submitted to the Planning Division for review and approval in consultation with the PWA.

Timing: Documentation of compliance with this Condition of Approval shall be submitted annually to the Planning Division with the Annual Compliance Report required by Condition No.3.

Monitoring: The Planning Division in coordination with the PWA will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

74. Grading Outside Mining Area

Purpose: In order to ensure that all grading outside the approved mining boundary meets established standards, the Permittee shall obtain grading permits if necessary.

Requirement: Prior to any grading outside the mining permit boundary, a grading permit must be obtained from the Public Works Agency (PWA), as required. If determined that a grading permit is not necessary, PWA will issue a grading permit clearance for the proposed work. Grading permits will be reviewed according to the appropriate section of the latest edition of the Ventura County Building Code.

Documentation: If grading outside the approved mining boundary is necessary, the Permittee shall submit to PWA, for initial review, a site plan depicting the existing and proposed contours of the area proposed to be graded.

Timing: Prior to the creation of a cut or fill outside of the approved mining boundary, not exempt from Ventura County grading permit requirements, the Permittee shall submit the required documentation. If a grading permit is required, it shall be obtained by the Permittee prior to the onset of the proposed grading.

Monitoring: PWA staff shall review the submitted materials and determine whether a grading permit is required.

75. **Impervious Drains are Discouraged**

Purpose: To reduce impacts to groundwater recharge by drainage facilities.

Requirement: Drainage facilities for the reclaimed areas shall be designed to facilitate groundwater recharge. Typical gunite or concrete lined storm drains, benches and down drains are not to be considered unless porous by design or specifically required under grading or CUP reclamation conditions.

Documentation: Reporting of compliance with this Condition of Approval shall be included in the Annual Compliance Report required by Condition No.3.

Timing: Documentation of compliance with this Condition of Approval shall be submitted yearly to the Planning Division with the Annual Compliance Report required by Condition No. 3.

Monitoring: The Planning Division in coordination with the Public Works Agency will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

76. **Coordination with City of Simi Valley**

The applicant shall work closely with the City of Simi Valley on their proposed pumping of additional groundwater from the Tapo-Gillibrand Basin and the effect this pumping may have on drawing down the aquifer in relation to the PL17-0064 groundwater recharge areas.

77. **Fines within the "Slot Pit" May Remain**

Purpose: To minimize potential post-mining reduction of groundwater recharge due to mining operations in the Slot Pit area, and to document that the existing fills may remain post-reclamation.

Requirement: The nine-acre "Slot Pit" has historically functioned as a recycled water reservoir and currently serves as a backup recycled water reservoir.

Therefore fines which accumulate at the bottom of the pit do not need to be periodically cleaned out, as long as at reclamation a minimum of 10 feet of permeable material, acceptable to the Public Works Agency (PWA) Groundwater Resource Section (GRS), is used to refill the pit to prevent future standing water from collecting in this area. Refill with permeable soils or clean sand may only be placed after the non-permeable clay or silt accumulations have been graded to drain at a 2 percent or better slope. All refill material must drain into natural and or pre-mining drainage courses.

Documentation: Prior to final reclamation activities in the Slot Pit area, the Permittee shall provide a plan to PWA, GRS showing the design of the final grading and permeable material placement, and shall provide an “as-built” topographic map of the area after material placement is complete.

Timing: The plan for grading and final reclamation material placement in the Slot Pit area will be submitted by the Permittee to PWA, GRS for review prior to final reclamation, and a final “as-built” map will be included in the Permittee’s request for final reclamation sign-off.

Monitoring: The Planning Division in coordination with PWA, GRS will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

78. Monitoring and Analysis of Water Wells

Purpose: To monitor water levels and water quality of the Tapo/Gillibrand Groundwater Basin groundwater resources to Public Works Agency (PWA), Groundwater Resource Section (GRS).

Requirement: The following procedures shall be followed:

a. Water Level Monitoring

Simi Valley City Water Well Nos. 31C (State Well No. 03N18W24H06S), 31D (State Well No. 03N18W24H07S), and No. 32 (State Well No. 03N18W24C07S) shall be monitored for monthly depth-to-water by the Permittee's consultant or Water Works District #8 staff each calendar year. All groundwater level data shall be submitted to PWA,GRS annually and included with other required submittals during the annual SMARA inspection each year. If water level findings indicate that Historical high-water level is above the previously established elevation mark, maximum excavation elevations must be modified accordingly to maintain minimum clearance from groundwater. (See Condition No. 63 above).

Groundwater Monitoring Well 4a may be destroyed at the discretion of the landowner by following appropriate PWA GRS procedures.

b. Groundwater Quality Analysis

Representative samples of groundwater from Wells 31D 31D (State Well No. 03N18W24H07S) and 32 (State Well No. 03N18W24C07S) shall be collected annually and analyzed by a State-certified laboratory for complete mineral analysis. Laboratory results shall be submitted to the PWA GRS annually and included with other required submittals during the annual SMARA inspection each year. If the total dissolved solids of any sample exceed the RWQCB's Basin Objectives, additional evaluation and mitigation measures as necessary shall be implemented in the aggregate wash areas. Conditions of Approval may be proposed provided a solution is available and can be implemented to the satisfaction of the PWA GRS.

Documentation: The above described water-level monitoring and mineral analysis results shall be reported with the Ground Water Basin Protection Plan (GWBPP) annual report, as well as summarized and included in the Annual Compliance Report required by Condition No. 3

Timing: Documentation of compliance with this Condition of Approval shall be submitted yearly to the PWA GRS with the GWBPP annual report, as well as yearly to the Planning Division with the Annual Compliance Report required by Condition No. 3.

Monitoring: The Planning Division in coordination with PWA GRS will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.

79. Refill Material (if groundwater is encountered)

Purpose: To protect groundwater resources in the Tapo/Gillibrand Groundwater Basin, and to minimize adverse effects on basin recharge if groundwater is encountered during mining operations as discussed in Condition No. 63.

Requirements: This condition and these requirements will apply only to refill materials placed in excavations where groundwater is encountered during mining operations:

a. Refill Materials

Soil refill material may be used, as long as it is pre-approved by the PWA GRS and the in-place material meets a minimum percolation rate per day.

b. Field Testing of Refill Material

The Permittee shall employ a County approved soil-testing firm to conduct field percolation tests of refill material placed in excavated areas and to complete a report of findings. One shallow percolation test shall be conducted for every two acres of refilled quarry area, at vertical intervals of not more than 10 feet of

placed fill material.

The County approved soil testing firm must assign personnel to this work who are experienced in all field testing and sampling procedures required by these conditions. All work must be conducted under the supervision of a qualified State Licensed Geologist, Certified Hydrogeologist, Certified Engineering Geologist, Registered Civil Engineer or Geotechnical Engineer.

c. Field Percolation Tests/Methods

Field percolation test methods shall be conducted following the guidelines and procedures as outlined by PWA GRS. These percolation tests shall be conducted per the frequency and interval as described in paragraph "b" above.

Documentation: The County approved soil testing firm shall prepare a report, including copies of verified field percolation tests, a map of the Project site showing percolation test locations and elevations, and a summary of these test results.

Timing: If groundwater is encountered and the requirements above are triggered, annual reporting as discussed above shall be provided to PWA GRS until the refilling is complete. A statement discussing compliance with this Condition of Approval shall be submitted annually to the Planning Division and PWA GRS with the Annual Compliance Report required by Condition No. 3.

Monitoring: The Planning Division in coordination with PWA GRS will monitor compliance with this Condition of Approval through its plan review, permit issuance and site inspection functions.