

December 9, 1997

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
AND MASTER RECLAMATION PLAN
ARTICLE III, CHAPTER 35

CASE NO. 86-CP-106 RV01 & 86-RP-006 RV01

**This Revised Conditional Use Permit and Reclamation Plan Supersedes All Other Permits
and Reclamation Plans on the Site**

A Conditional Use Permit and Reclamation Plan Approval is Hereby Granted:

TO:	Kaiser Sand and Gravel, Inc.
APN:	129-110-013 through 129-110-018, 129-110-024, 129-210-026
ZONE:	U (Ordinance 661)
AREA/SUPERVISORIAL DISTRICT:	Fifth District, Sisquoc Area
FOR:	Mining and Reclamation within the Sisquoc River and in areas adjacent thereto consistent with the Santa Maria/Sisquoc River Specific Plan (93-SP-001)

This permit is subject to compliance with the following conditions:

1. This conditional use permit and reclamation plan (86-CP-106 RV01 & 86-RP-06 RV01) is based upon and limited to compliance with the project description, the accompanying Specific Plan (93-SP-001), dated November 13, 1997, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

86-CP-106: (Original Project) A sand and gravel mining operation on 64 acres of a 289 acre site, including an existing asphalt plant on 10 acres.

86-CP-106 AM01: (First Amendment) A recycling plant consisting of an impact crusher; screens and miscellaneous conveyors located within an existing 60 foot deep pit (Carranza Pit). The height of the equipment will not exceed 25 feet. All stockpiling will be limited to within the Carranza Pit. Stockpiles will range from 50,000 to 100,000 tons within a 3 acre stockpile area. The height of any stockpiles will not exceed 25 feet.

86-CP-106 AM02 (Second Amendment) A temporary, portable asphalt batch plant to provide asphalt for a State Highway 1 repaving project. The portable plant will be located at the site under lease arrangements with Kaiser Sand and Gravel, Inc. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plans marked exhibits 97-1 through 97-4 for 86-CP-106 AM02. The portable asphalt batch plant will be fueled using liquefied natural gas or propane and will be used to supplement existing asphalt production capabilities of the previously permitted diesel-powered batch plant that is located at the project site. As proposed, the portable batch plant will produce approximately 85,000 tons of the 100,000 tons of asphalt that will be needed for the Highway 1 repaving project. The remaining 15,000 tons of asphalt will be produced by the existing plant. On an average peak production day, the portable asphalt plant will produce approximately 2500 tons of asphalt. The portable batch plant will be operated five days per week (excluding weekends) between the hours of 6 a.m. and 4 p.m. All aggregate used for asphalt production will be provided by the adjacent quarry. Major components of the portable plant include aggregate storage bins, various conveyors and screens, drum mixer, hot asphalt storage silo, two asphalt oil storage tanks, baghouse, propane storage tank, truck scale, and control room. All project equipment, operations, fuel and hazardous material storage will comply with the requirements of the Santa Barbara County Fire Department and Santa Barbara County Air Pollution Control District. The maximum height of the batch plant (the storage silo) will not exceed 60 feet above surrounding grade. The batch plant will be operated on a maximum of 140 days within a one year period only. The applicant will undertake a self-monitoring and reporting program to advise Planning and Development of the number of days that the plant has operated. Five additional employees will be required at the project site while the batch plant is in operation. At the conclusion of the Highway 1 repaving project, the portable batch plant will be removed from the project site.

86-CP-106 RV01: (First Revision) A revised conditional use permit superseding all previous conditional use permit approvals on the project site. This permit encompasses all development included in the original project, the first amendment, and the expansion of the Carranza Pit and excavation of the Davis Pit as approved by this permit revision. The Carranza Pit expansion consists of increasing the size of the Carranza Pit to approximately 97 acres by allowing excavation to proceed toward Foxen Canyon Road until required minimum setbacks established by this plan are reached.. The Davis Pit excavation consists of excavating a new pit approximately 50 acres in size in the southeast corner of the project site adjacent to Foxen Canyon Road and immediately west of the Little Lucy Pit.

86-RP-06: (Original Reclamation Plan) Reclamation plan for approximately 289 acres including vested river mining areas and all landward mining areas and processing plant.

86-RP-06 RV01: (First Revision) Revised reclamation plan for approximately 400 acres including all vested river mining areas and all landward mining areas and the processing plant.

Previous Permits for Mining Superseded: This permit supersedes all existing conditional use permits and reclamation plans within all areas of the project site.

Mining Location and Configuration: Material is extracted in-channel and off-channel as specified in the mining and reclamation plan until the limits of mining specified in the plan are reached. The maximum permitted elevations of excavation (based on the 1929 datum) are as follows:

Davis Pit:	348'
Carranza Pit:	347'
Little Lucy Pit:	No further excavation is proposed or permitted.
Ledges Unit:	No further excavation is proposed or permitted.
East Unit:	385'
West Unit:	385'

Mining and Reclamation Plans: The accompanying Specific Plan (93-SP-001), and project description for MRP-1B included in 96-EIR-004, illustrate the basic components of the mining and reclamation plan including phasing, final geometric configuration of the mining site, the final land use plan and the revegetation plan. Figure A, attached to this permit, includes a listing of the minimum performance criteria governing project revegetation requirements.

The mining and reclamation plan for the 23 year term of this permit includes:

RIVER MINING AREAS

East Unit Channel Side Slopes:

(Phase I-II, Years 1-10) Progressively complete, as a goal, all mining and revegetation of all affected channel side slopes within the East Unit, in accordance with the approved mining and reclamation plan. South bank slopes will be 3:1 as required by project conditions. North bank slopes will not exceed a slope of 2:1. The 2:1 cut slope located along the north bank and the 3:1

cut slope located along the south bank will be seeded with a mulefat scrub association upon completion of slope excavation. Maintain required setbacks between off-channel pits and the channel as required by project conditions;

West Unit Channel Side Slopes:

(Phases I-III, Years 1-23) Progressively establish final 3:1 slopes and maintain required setbacks between off-channel pits and the channel as required by project conditions. North bank slopes will not exceed a slope of 2:1. The 2:1 cut slope located along the north bank and the 3:1 cut slope located along the south bank will be seeded with a mulefat scrub association upon completion of slope excavation;

Ledges, East and West Units :

General: The area to be mined in the river channel has been divided into two production units- the East Unit and the West Unit. A third unit, identified as the Ledges Unit, is not planned to be mined. The East and West Units will be mined to redline elevations set by the Balance Hydrologics River Mining Plan dated 8/94. Acreage, annual average production, redline elevations, and final slope gradients for the East and West Units are summarized below. Material will be taken from the East or West Units only after storms have replenished aggregate above the redline elevations. Annual production could be zero in years without replenishment or exceed 250,000 tons after an extraordinary fill event. The average annual production is estimated to be 100,000 tons. Actual salable product will be a portion of the extracted material, and will average approximately 60% of extracted material.

No in-channel pits will be created by river mining, mining will only occur in dry portions of the river, and excavated material (other than excess backfill sand) will not be stockpiled within the channel. Up to 50% of the excavated sand may be separated out with a portable screen and used to backfill mined areas. Culvert crossings will be constructed across flowing channels.

Operations in the Ledges Unit will be limited to bank repair, protection of the Coast Rock haul road, and maintenance activities (if any) associated with Tepusquet Crossing.

Approximately 750,000 tons of terrace material will be excavated to redline elevations within the East Unit over a 10± year period in addition to any material mined from within the river channel . These one-time excavations are intended to add to channel capacity and improve bank stability in coordination with the Coast Rock Mining Plan.

Habitat Mitigation: (Phase I, Years 1-3): Habitat mitigation site(s) adjacent to the channel will be established in areas of the East, West or Ledges Units where no further mining will occur or in alternate locations in or adjacent to the Davis, Carranza and Little Lucy Basins, along the south river bank after 3:1 slopes have been constructed, or in terrace areas above the active river channel. Any advance mitigation sites will require P&D and ACOE approval. These sites are intended to provide advance mitigation for removal of all wetland/riparian vegetation proposed to occur over the life of the project as required by project conditions. These mitigation sites will be vegetated with wetland and riparian species as required to achieve the mitigation ratios

described in project conditions. Any advance mitigation sites located within the East, West or Ledges Units will be maintained until reclamation and revegetation is completed within either the Carranza, Little Lucy or Davis Pits as described below.

Reclamation: No replanting is proposed within the river channel (including Ledges Unit).

LANDWARD MINING AREAS

Little Lucy Pit:

General: Little Lucy sloping will be completed within the first 10 years of mining. Final slopes will be progressively created at a slope of 2:1 to a point five feet above the high water elevation and 4:1 below that point. A portion of the hill located between Little Lucy and the river will be excavated to above the 100-year floodplain elevation. Cut material generated by this excavation will be used to create final slopes along the northeast side of the Little Lucy basin. The Little Lucy basin may be used as a silt pond for the sand and gravel plant. If the basin is used as a silt pond, then the basin floor elevation could continue to increase after year 10 of the project. Setbacks are graphically shown on Figure 18 of the Specific Plan. Drainage improvements will be constructed as needed. Offsite runoff will either drain into the basins or be redirected around the basins and to the river using existing County drain ditches.

Reclamation: See discussion for Davis and Carranza Pits below.

Davis & Carranza Pits:

General: Mining activities will occur in two distinct areas- the river area and the landward area (See Figures 15-20 of the Specific Plan). The landward mining area is divided into the Davis Unit and the Carranza Unit. The Carranza Unit includes the existing plant site. The overall mining emphasis is on landward excavation supplemented by river reserves. Existing pits in the Davis and Carranza Units will be expanded in a southerly direction. Acreage, reserves, maximum depth of excavation, backfill elevations, and final slope gradients for fully excavated pits within each Unit are summarized below. The fully excavated and reclaimed pits are referred to as "basins" throughout this Project Description. 4:1 slopes will be progressively created below high groundwater plus 5 feet, and 2:1 slopes will be created above high groundwater plus 5 feet for all areas where mining has reached its maximum depth. There will be a 200-foot setback between landward basins and the river, a 50-foot setback between basins, and minimum 50' or 100' setbacks between the basins and Foxen Canyon Road.. Drainage improvements will be constructed as needed. Offsite runoff will either drain into the basins or be redirected around the basins and to the river using existing County drain ditches.

A compacted berm may be constructed from backfilled material in the northwest portion of the Carranza basin. This will allow for an expanded settling pond on the northwest side of the berm to be separated from the basin created to the southeast of the berm. If Little Lucy basin is used as a silt pond, then it may not be necessary to construct the compacted berm and the northwest portion would remain part of the Carranza basin.

Reclamation: Basins in the Carranza and Davis Units will be mined as described in item A above and concurrently reclaimed as habitat. Former mining areas, including the Little Lucy basin and existing pits in the Carranza and Davis Units, will also be reclaimed as habitat. Mined material in the Carranza and Davis Units will be processed in the pit by a portable screening plant to separate excess sand from the remainder of the raw material. The excess sands will then be stockpiled via stacking conveyors and used to backfill the Carranza and Davis basins. Backfill activities will be concurrent with mining throughout the life of the project.

The same revegetation scheme will be used in the Carranza, Davis, and Little Lucy basins (See Figure 17 in the Specific Plan). Basin floors and slopes below high groundwater will be planted to provide a mosaic of wetland, riparian, herbaceous scrub and native grass. Slopes above high groundwater and the berms separating the basins will be seeded as a mulefat scrub association. The silt pond and silt pond expansion area (located in the northwest portion of the Carranza Unit) will be a variable meadow/scrub association through natural succession. If the Little Lucy basin is used as a silt pond, then the seasonal meadow association in Little Lucy will be replaced by a variable meadow/scrub association (through natural succession), and the northwest corner of the Carranza Unit would be revegetated like the remainder of the Carranza basin. Revegetation will occur when a section of the basin floor is completely backfilled (and not subject to further disturbance) or when a pit slope is completed. Specific revegetation areas will be defined by each Periodic MRP. Portions of the 200-foot setback located between the basins and river that are disturbed by mining will be seeded as a mulefat scrub association. Portions of the site that will not be revegetated include access roads and areas not disturbed by mining.

Reclamation of the Carranza, Davis, and Little Lucy basins as groundwater recharge basins is a possible reclamation option which may be proven in the future subject to County review and approval of a revision to the project reclamation plan.

Perimeter Screening:

(Phase I, Years 1-3) Screen plantings as required by project conditions will be planted along the site perimeter except for areas fronting the river and along a portion of the western boundary as illustrated in Figure 18 of the Specific Plan. All fencing required by project conditions will be installed. Upon cessation of mining operations and completion of reclamation, all required fencing will remain in place to secure the perimeter of the site to prevent unauthorized access.

Silt Pond:

(Phase III, Year 23) Grade southern end of the silt pond to an approximate elevation of 385' as indicated in the approved reclamation plan to correspond to the maximum projected water elevation for the Carranza Pit. Revegetate all disturbed areas of the silt pond through natural succession.

Bank Protection & Drainage:

(Phases I-III, Ongoing) Install bank protection, grade stabilization and drainage improvements as directed by the County Flood Control District in conformity with project conditions;

Plant Site:

(Phase III, Year 23) Remove all equipment, structures, buildings, processing facilities, hazardous materials, fuel storage tanks and any other development related to mining and material processing at the existing plant site. Revegetate all remaining disturbed areas with mulefat scrub seed mix.

Phasing:

The proposed phasing for mining and reclamation is summarized in Table 2 in the Specific Plan. The timing identified is an estimate and will vary depending on sales demand, rock versus sand demand, and other factors. Annual extraction is estimated to range between 400,000-900,000 tons. Landward mining will begin in the Davis Unit (phase 1), then proceed to the portion of the Carranza Unit not occupied by the existing plant site (phase 2). The last steps in the mining process include removal of the rock and sand plant and mining reserves beneath the plant site using portable equipment (phase 3). The asphalt plant will then be removed and underlying reserves mined using the portable equipment. Phase boundaries are shown on Figure 22 of the Specific Plan.

As phase 2 is excavated to elevation 347', the plant site at existing elevation 428' (excluding stockpiles) will be separated from the phase 2 mined area by temporary 1:1 slopes (maximum). During phase 3, the temporary 1:1 slopes will be removed. All or part of phase 2 located within the currently permitted/vested mining area may be excavated while the subject CUP or a Periodic MRP is being processed.

Table 1- Landward Mining

	<u>Mine Phase</u>	<u>Acres</u>	<u>Gross Reserves</u>	<u>Max. Depth of Excavation</u>	<u>Backfilled Elevation of Basin Floor</u>	<u>Final Slope Gradient</u>
Davis Pit	1	50 ¹		Elev 348'	Elev 369'	4:1&2:1 ²
Carranza Pit w/o Plant Site ³	2	72 ¹		Elev 347'	Elev 364'	4:1&2:1 ²
Carranza Pit Plant Site ³	3	25	_____	Elev 347'	Elev 364'	4:1&2:1 ²
TOTAL			14.7 million tons ⁴			

¹ Acreages shown are for completed basins. Portions of the 50 and 72-acres already have been mined.

² 4:1 slope below elevation 390' and 2:1 slope above elevation 390'. Elevation 390' is 5' above the high groundwater elevation of elevation 385'.

³ Boundary of plant site shown on Figure 22 of Specific Plan.

⁴ Actual salable product will be a portion of the extracted material, and will average approximately 60% of extracted material (8.8 million tons).

Table 2- Phasing for Landward Mining and Reclamation

Note- Phasing is subject to revision at each Periodic MRP subject to County Review and Approval

Phase 1- Years 1-9

Years 1-3

1. Haul agricultural topsoil from area to be mined within Davis Unit to Coast Rock or use topsoil for onsite reclamation activities.
2. Mine portion of Davis Unit.
3. Stockpile/backfill fines for use in reclaiming Davis Unit as mining progresses.
4. Initiate excavation of hill between Little Lucy basin and river to above 100-year flood elevation.
5. Initiate construction and revegetation of final slope along northeast side of Little Lucy basin.
6. Revegetate completed slopes and backfilled area in Davis pit.
7. Install drainage improvements as determined in Periodic MRP review process.
8. Review need for hard bank or equivalent protection, and engineered fill as required by CUP.

9. Plant oleanders and trees for screening purposes along Foxen Canyon frontage, portion of westerly and southerly boundaries of site, and between Davis Unit and residence.
10. Install 3' high dirt berm between Little Lucy basin and southerly property line.
11. Install warning bumpers on Foxen Canyon Road.

Years 4-6

1. Haul agricultural topsoil from area to be mined within Davis Unit to Coast Rock or use topsoil for onsite reclamation activities.
2. Continue to mine and reclaim portion of Davis Unit.
3. Stockpile/backfill fines for use in reclaiming Davis Unit as mining progresses.
4. Complete excavation of hill between Little Lucy basin and river to above 100-year flood elevation.
5. Complete construction and revegetation of final slope along northeast side of Little Lucy basin.
6. Initiate construction and revegetation of final slope along west side of Little Lucy basin.
7. Revegetate completed slopes and backfilled area in Davis pit.
8. Install drainage improvements as determined in Periodic MRP review process.

Years 7-9

1. Haul agricultural topsoil from area to be mined within Davis Unit to Coast Rock or use topsoil for onsite reclamation activities.
2. Complete mining of Davis Unit.
3. Stockpile/backfill fines for use in reclaiming Davis Unit as mining progresses.
4. Complete construction and revegetation of final slope along west side of Little Lucy basin.
5. Initiate construction and revegetation of final slope along south side of Little Lucy basin.
6. Revegetate completed slopes and backfilled area in Davis pit.
7. Install drainage improvements as determined in Periodic MRP review process.

Phase 2

Years 10-13

1. Haul agricultural topsoil from area to be mined within Carranza Unit to Coast Rock or use topsoil for onsite reclamation activities.
2. Mine all of Carranza Unit except plant site.
3. Stockpile/backfill fines for use in reclaiming Davis and Carranza Units as mining progresses.
4. Complete backfill and revegetation of Davis basin.
5. Complete construction and revegetation of final slope along south side of Little Lucy basin (by year 10).
6. Revegetate completed slopes and backfilled area in Carranza pit.
7. Install drainage improvements as determined in Periodic MRP review process.

Phase 3

Years 14-23

1. Mine remainder of Carranza Unit (plant site).
2. Stockpile/backfill fines for use in reclaiming Carranza basin as mining progresses.
3. Complete backfill and revegetation of Carranza basin.
4. Install drainage improvements as determined in Periodic MRP review process.
5. Remove rock and sand processing plant in year 14 and replace with a portable rock and sand plant.
6. Remove portable rock and sand plant and asphalt plant at end of mining.
7. Complete revegetation of remaining disturbed areas in landward mining area.

Table 3- River Mining

	<u>Acres</u>	<u>Redline Elevation</u>	<u>Annual Average Production</u>	<u>Final Slope Gradient</u>
West Unit	41.3	Elev 385'	37,500 tons/yr	North bank- 2:1 South bank- 3:1
East Unit	46.5	Elev 385'-399'	62,500 tons/yr	North bank- 2:1 South bank- 3:1

Note: Final slope gradient for the South bank of the West Unit may be steeper than 3:1 subject to conformance with the criteria included in project conditions.

Periodic Review: All mining and reclamation activities will be reviewed annually in accordance with SMARA requirements, with County staff review and approval of detailed mining and reclamation implementation plans for in-channel areas coinciding with periodic review of any Army Corps of Engineers permit for in-channel mining (or at least every 5 years, whichever is sooner). County staff review and approval of detailed mining and reclamation plans for off-channel areas shall occur with every other periodic plan reviewed for in-channel mining and reclamation.

The County Planning Commission shall review compliance with this permit every 10 years to ensure that the policies and standards of the Specific Plan and implementing permit conditions are being adequately implemented and are effectively mitigating significant environmental impacts as projected in the project Final EIS/R. If, during each ten (10) year review, the Planning Commission determines that the conditions imposed on the project are inadequate to effectively mitigate significant environmental impacts caused by the project, the Planning Commission may impose reasonable additions to, or modifications of, project conditions to further mitigate these significant environmental impacts. Imposition of such conditions shall only be considered and imposed as part of the Planning Commission's comprehensive review of the project conditions. In imposing such additional or modified conditions, the Planning Commission, and the Board of Supervisors, upon appeal, shall determine whether the new or modified conditions(s) is/are reasonable considering the economic burdens imposed and the environmental benefits to be derived. Nothing in this condition alters the County's ability to review specific conditions as set forth elsewhere, or the County's ability to add, delete, and modify conditions as part of a revocation proceeding pursuant to

applicable County ordinances. No mining is authorized to occur after the initial 23 year term of this permit unless specifically authorized by the County in accordance with the adopted specific plan.

SMARA Requirements: The project description conforms to the requirements of the Surface Mining and Reclamation Act (SMARA), §2772, as follows:

Name and address of operator and agent:

Operator:

Kaiser Sand and Gravel, Inc.
3555 Vineyard Avenue
Oxnard, CA 93030

Quantity and type of minerals for which the surface mining operation is to be conducted:

Kaiser Sand and Gravel, Inc. supplies local industry with a variety of sand, gravel, asphalt and concrete products, used for a variety of building purposes including trench backfill for utility lines and oil pipelines, highway and road construction, and the construction of house and bridge foundations.

Annual landward extraction is estimated to range between 400,000 and 900,000 tons with estimated overall reserves within the mining area of approximately 14.7 million tons. River mining is estimated to average 100,000 tons per year. River widening is estimated to generate an additional 750,000 tons of material over a ten year period. Actual salable product will be a portion of extracted river and landward material, averaging approximately 60% of extracted material.

Proposed dates for the initiation and termination of such operation.

Mining has been taking place in the project area since the 1920's. This permit authorizes mining to continue for 23 years from initial land use permit approval with final site reclamation to be completed upon cessation of mining in the year 2021. Termination of mining under this permit will occur in approximately the year 2021 unless renewed by the County. Reclamation is required to occur concurrently with ongoing mining operations as specified in project conditions..

The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation, and the names and addresses of the owners of all surface and mineral interests of such lands.

Topographic maps and cross sections are included in the Reclamation Plan which describes the boundaries and topographic details of the subject property, location of streams, wells, and structures. Primary access to the project area is from Foxen Canyon Road. A description of the general geology of the area is included in the Environmental Impact Report prepared for the project.

Kaiser Sand and Gravel, Inc. is the owner of the surface and mineral interests within the project area.

A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

Mining will occur through direct excavation of the sand and gravel material using a variety of heavy earth-moving equipment. Project conditions require reclamation concurrently with ongoing mining activities as specified above.

A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

Project conditions require evidence that all property owners with a possessory interest in the land in the project area shall be notified prior to commencement of surface mining operations.

SUMMARY OF POST-RECLAMATION LAND USES

Vegetation Association (acres)							
	Mulefat Scrub	Seasonal Native Meadow /Riparian	Variable Meadow/ Scrub	Potential Willow Scrub Mitigation	Open Channel ¹	Undisturbed ⁵	Total
Carranza Habitat Basin	25.4	54.1					79.6
Davis Habitat Basin	18.2	26.4					44.6
Little Lucy Habitat Basin	8.6	7.3					16.0
Siltation Pond							
Existing			15.7				15.7
Expanded	2.7		12.4				15.1
Subtotal							30.8
River							
Open River Channel ²					73.5		73.5
South Bank	4.3			2.2	2.8		9.3
North Bank	3.7				4.0		7.7
Subtotal							90.5
Other Areas ³	28.4						28.4
Undisturbed Areas ⁴							110.2
Total	91.4	87.8	28.1	2.2	80.3	110.2	400

Notes:

- (1) Includes bank areas below 100 year flood plain and river channel
- (2) Includes mined areas only; open channel river areas in Ledges Unit included in “Undisturbed”
- (3) Includes disturbed lands outside of habitat basins, siltation pond, and mined river area
- (4) Includes areas not disturbed by mining activities, area roads to remain, areas with screening trees and shrubs

A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including:

A description of the manner in which contaminants will be controlled, and mining waste will be disposed;

Existing mobile machinery, equipment, structures, and buildings related to aggregate processing will be removed from the site upon the cessation of mining. Hazardous materials and fuel tanks onsite will be removed upon cessation of mining and reclamation activities. Contaminants are controlled through existing County Departmental permits. Fuel tanks and any underground storage tanks that relate to the mining operation, which do not have permits for continued use, will be removed under any County and State guidelines in effect at the time of operations cessation. Mining waste will be disposed in accordance with the State Mining and Geology Board Reclamation Standards §3712.

A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur.

The proposed reclamation plan includes creation of a 400 to 1000 foot wide channel designed to accommodate 100 year flood flows, with 3:1 channel side slopes along the south bank and 2:1 cut slopes along the north bank, with a minimum setback of 200 feet between the edge of channel and top of pit slope as specified by project conditions. All channel side slopes will be revegetated as indicated in the project reclamation plan. Mining within the river channel is required to occur in a manner that does not create pits. Bank protection may be required in critical areas of the river as determined by the County Flood Control District. Mine waste and wash fines will not be stored or placed within the river channel.

An assessment of the effect of implementation of the Reclamation Plan on future mining in the area.

Implementation of the Reclamation Plan will not preclude future mining in the remaining areas described in the specific plan. Such future mining would require a Conditional Use Permit from the County.

A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the Reclamation Plan.

Kaiser Sand and Gravel, Inc. accepts full responsibility for reclaiming all mined lands in accordance with the approved mining and reclamation plan and all applicable provisions of SMARA and local ordinance.

In addition to the information required by SMARA §2772, the following elements are to be included in the reclamation plan (CCR §3502):

The environmental setting of the site of operations and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.

The Environmental Impact Report prepared for the project includes a detailed description of the environmental setting of the site. The proposed end uses are described in the Specific Plan, Reclamation Plan and EIR and in the Project Description (Condition #1 of Attachment B). The reclaimed site conditions are not expected to have any adverse effect on existing and future uses of surrounding lands as the proposed end uses are consistent with existing land use in the project area.

The public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.

Access to those portions of the project site in close proximity to public roads will be controlled by the applicant through fencing, signage, monitoring, or other appropriate means. The applicant is responsible to maintain proper supervision of the property to ensure public safety.

The designed steepness and proposed treatment of the mined land's final slopes shall take into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. In all cases, reclamation plans shall specify slope angles flatter than the critical gradient for the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, regulatory agencies shall require an engineering analysis of the slope stability. Special emphasis on slope stability and design shall be necessary when public safety or adjacent property may be affected.

Project mitigation measures address this requirement in accordance with the state adopted performance standards.

Areas mined to produce additional materials for backfilling and grading, as well as settlement of filled areas, shall be considered in the reclamation plan. Where ultimate site uses include roads, building sites, or other improvements sensitive to settlement, the reclamation plans shall include compaction of the fill materials in conformance with good engineering practice.

The Reclamation Plan includes backfilling of the off-channel pits to maintain a final elevation as specified below: No improvements subject to settlement are anticipated to be built in this area. The Reclamation Plan calls for these areas to be planted with native vegetation for wildlife habitat.

Disposition of old equipment.

All equipment used in connection with aggregate mining, processing and reclamation will be removed from the site at the cessation of mining activities.

§2773 requires the reclamation plan to establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation, and sediment and erosion control.

The State Mining and Geology Board has adopted Reclamation Performance Standards, Sections 3703 through 3712 which are addressed and implemented within the project conditions as specified below.

§2773.1 FINANCIAL ASSURANCES: The applicant will submit a draft financial assurances work sheet for reclamation or documentation of State-approval of financial assurances prior to final approval of the Reclamation Plan to ensure that reclamation is performed in accordance with the approved Reclamation Plan and all applicable SMARA performance standards.

ANNUAL REPORTING: As required by the Division of Mines and Geology, the project is subject to annual reporting and fees under SMARA. The plan will be reviewed annually by P&D or its designated representative to: verify compliance with ongoing reclamation requirements; adjust financial assurances; and if necessary due to changed circumstances, modify the Reclamation Plan.

Mitigation Measures from the Environmental Document

AGRICULTURE MITIGATION MEASURES

2. ***(Topsoil Conservation):*** To reduce potential significant impacts due to loss of prime agricultural lands, the mine operator shall remove and segregate topsoil by defined soil horizons (if present) from the 72 acre field. Concurrently with removal, this soil shall be delivered to the nearest off-channel agricultural/habitat reclamation area within the Coast Rock project for use in reclamation efforts (Hansen/St. Claire/Bognuda Pits). If temporary storage of soils is necessary, such storage shall only occur subject to the review and approval of the County to ensure that all available measures are taken to maintain the productivity of the soils during storage for later use in project reclamation efforts. ***Mitigation Measure MRP-1B-AG-7.***

Timing: Arrangements for transfer of the topsoil shall be completed prior to excavation of agricultural lands. Soils shall be removed in a manner consistent with the gradual phased excavation of the pits.

Monitoring: The County shall monitor the amount of topsoil removed and time when topsoil was removed and transferred to an appropriate reclamation site or storage site as part of annual mining and reclamation review required by SMARA.

CULTURAL RESOURCE MITIGATION

3. ***(Phase I Review):*** All new off-channel mining areas shall be subject to a Phase 1 archaeological survey pursuant to County Archaeological Guidelines (if not previously prepared) and if required, Phase 2 and Phase 3 studies shall be performed if significant resources are encountered and potential impacts are unavoidable. All work shall be funded by the applicant. ***Mitigation Measure MRP-1B-ARCH-2***

Timing: All work shall be completed prior commencement of mining for each Periodic MRP.

Monitoring: County shall receive and review study prior to commencement of mining for each Periodic MRP.

4. ***(Discovery & Phase II Review):*** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a County qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the

applicant. A formal set of operating and notification procedures related to discovery of cultural resources shall be established by each operator. These procedures shall include provisions for halting mining work in a specific area pending the outcome of a formal cultural resource evaluation. The applicant shall submit a copy of the operating and notification procedures to the County for review prior to commencement of mining for the first Periodic MRP. ***Mitigation Measure MRP-1B-ARCH-3***

Plan Requirements/Timing: This condition shall be printed on each Periodic MRP.

Monitoring: County shall check plans prior to commencement of mining for each MRP and shall spot check in the field.

5. ***(Phase II Requirements):*** If determined to be necessary pursuant to the recommendations of a Phase I analysis, a Phase 2 subsurface testing program to evaluate the nature, extent, and significance of the cultural resources shall be implemented. This evaluation program shall be designed to assess each archaeological site consistent with County Archaeological Guidelines and shall involve the following:

- a) Controlled hand excavation and surface collection of a representative sample of the site deposit determined by County staff archaeologist,
- b) A detailed analysis of the material recovered,
- c) An assessment of cultural resource integrity,
- d) The preparation of a final report with recommendations for impact mitigation if necessary. Should this program determine that the archaeological sites are significant, a Phase 3 mitigation in the form of data recovery excavation shall be required consistent with County Archaeological Guidelines. ***Mitigation Measure MRP-1B-ARCH-4***

Plan Requirements and Timing: Upon discovery of cultural resources and if required by a subsequent Phase I analysis for each off-channel area proposed to be mined, the applicant shall hire a County qualified archaeologist to perform the required Phase 2 study. The consultant shall submit a final report to county staff detailing the results of the study prior to commencement of mining for each Periodic MRP.

Monitoring: County shall review the study and ensure approved recommendations are carried out.

RISK OF UPSET MITIGATION

6. **(Leak Inspections):** To reduce impacts from spillage of petroleum products, the operators shall inspect roads, equipment and trucks daily for leakage and take corrective action to eliminate any leakage discovered immediately. **Mitigation Measure MRP-1B-HAZ-2**

Timing: Ongoing during mining.

Monitoring: The applicants' compliance with existing regulations will be verified by the County Environmental Health Services Department and recorded in the annual mining/monitoring report. A log of plant and road inspections shall be kept at the plants' offices and shall be available for inspection by County staff.

7. **(Fencing & Slopes)** To protect public safety, the operator shall berm or fence (with warning signs in either case) any detention basins/inundation basins or other areas of ponded water in conformance with County Flood Control District standards (except for the north side of the basins adjacent to the river bank). No final pit slope shall exceed a gradient of 4:1 below a point five feet above the maximum expected high water elevation. Completed pits shall be designed and developed in accordance with all applicable SMARA requirements, including Section 3704 (Backfilling, Regrading, Slope Stability and Recontouring) of the State Mining and Geology Board Reclamation Regulations **Mitigation Measure MRP-1B-HAZ-3**

Timing: On completion of slope construction.

Monitoring: Safety measures above and included in project design shall be monitored for compliance through the annual inspection program and the annual mining/monitoring report.

AIR QUALITY MITIGATION

8. **(Vehicle Maintenance):** Haul trucks owned by the operators shall be maintained in proper tune to minimize NO_x and ROG emissions. Any mining operator owned equipment that is no longer operational shall be replaced with equipment which will meet CARB and EPA heavy duty vehicle emission standards applicable to the model year of the replacement equipment. **Mitigation Measure MRP-1B-AIR-1**

Timing: Ongoing during mining.

Monitoring: Compliance shall be monitored by the Santa Barbara County APCD. The applicant shall submit mechanic's records upon request to the APCD to prove compliance with this measure. Additionally, this measure could also be enforced through periodic visual inspection and review of on-site maintenance logs by an APCD representative.

9. **Dust Control):** The project applicant shall continue to use water truck sprayers and approved dust suppressants on all on-site roads and working areas to reduce visible dust. The operator shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. In the event of valid complaints from nearby receptors, the applicant shall hire a monitor approved by the agencies to ensure compliance with this measure. The name and telephone number of such persons shall be provided to the APCD. The monitor shall remain on-site until a satisfactory compliance record

is achieved as determined by Planning & Development Permit Compliance in consultation with APCD. ***Mitigation Measure MRP-1B-AIR-2***

Timing: Dust suppression activities shall be ongoing during mining and reclamation.: The dust monitor shall be designated prior to approval of the first Periodic MRP.

Monitoring: The APCD or APCD approved on-site dust monitor shall check dust suppression through regular unscheduled visits. The monitor shall submit an annual report to P&D permit compliance for review.

NOISE MITIGATION

10. (***Hours of Operation***): Nighttime mining operations (10 p.m. to 6 a.m.) shall not be allowed in areas within 1,600 feet of existing residential structures to avoid nighttime noise impacts.

Mitigation Measure MRP-1B-NOISE-1

Timing: Ongoing during mining.

Monitoring: The-applicant shall maintain a log of nighttime operations to be made available for inspection by County representatives.

11. (***Noise Shielding***) Any new equipment purchased to replace unusable equipment shall be fitted with noise shielding and muffling devices. The operator shall inspect equipment periodically to ensure that it is working effectively and in compliance with new noise level regulations. ***Mitigation Measure MRP-1B-NOISE-2***

Timing: Ongoing during mining.

Monitoring: Compliance shall be monitored by Santa Barbara County representatives, who shall perform periodic field checks to ensure that heavy equipment used in the excavation and mining processes are fitted with muffling devices.

12. (***Pit Noise***): Prior to Periodic MRP approval for any mining in the Carranza Pit or Davis pit, Kaiser Sand and Gravel shall submit an acoustic study (prepared by a County approved consultant) to evaluate potential noise impacts from surface mining operations on the existing residences located on parcels adjoining the project site and fronting on Foxen Canyon Road at the southwest corner of the project site. Should the noise levels from planned mining operations be found to violate County interior noise thresholds (45 Dba CNEL Interior); then the applicant shall either fund the necessary retrofit to ensure that noise levels affecting these residences do not exceed County standards; acquire the development rights to these parcels; or implement any other method for reducing noise to acceptable levels subject to review and approval of the County prior to commencement of mining. ***Mitigation Measure MRP-1B-NOISE-3***

Timing: Prior to periodic MRP approval and land use permit approval for the first phase of mining operations.

Monitoring: To ensure compliance, the County shall verify that the acoustic study has been prepared and its recommendations implemented prior to commencement of mining in the Davis or Carranza Pit.

HYDROLOGY MITIGATION MEASURES:

13. **(Periodic Mining & Reclamation Plan):** Prior to commencement of surface mining operations for Phase I and coinciding with periodic review of each Section 404 permit after the initial commencement of mining, the applicant shall submit a mining and reclamation implementation plan (MRP) for the upcoming Periodic MRP for review and approval by each applicable agency of jurisdiction. The purpose of the MRP is to provide a method of monitoring compliance with project conditions and mitigation measures on an ongoing basis for the life of the project. All mining and reclamation shall be performed in substantial conformity with each approved Periodic MRP. Substantial conformity shall be determined jointly by each agency responsible for plan review and project monitoring. The applicant shall be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by applicable agencies. The accompanying written project description shall include a detailed description of the progression of mining during the permit period. Said plan, and accompanying written project description, shall include the following elements:

MRP Plan Requirements: (Note: the plan submittal requirements listed below and the specific mapping and surveying specifications listed may be modified by the County Flood Control District, in consultation with the Planning Agency in each County and the State Department of Conservation, Division of Mines and Geology, should equivalent, less costly methods of providing necessary project monitoring information be available):

A. TOPOGRAPHY:

- 1) **Contours:** Existing and proposed finished contours shall be provided clearly illustrating the depth and extent of excavation for the area proposed to be mined in the upcoming period. Plans shall be prepared at a scale of one inch equals 200 feet at a five foot contour interval for all in-channel areas and a larger scale for all off-channel areas as determined by the County.
- 2) **Cross Sections:** Typical cross sections showing existing grade, proposed grade at the conclusion of the Periodic MRP mining period and ultimate final grade (as projected by the FLUVIAL 12 model) shall be provided at a scale acceptable to the County Flood Control District for all affected structures, including bridges, levees, grade control structures, and areas of morphological change (these include but are not limited to areas of significant

change in channel width, gradient, roughness). In the absence of critical structures or morphological changes within the river, cross-sections shall be provided as required by the County Flood Control District in consultation with all affected agencies. If a grade control structure (e.g. check dam, drop structure) or other engineered structure (e.g. bridge, utility crossing, pipeline, etc.) has been placed across a channel, or any other significant departure in the stream profile is present, cross section at, above and below the feature is required. Where cross sections are proposed adjacent to bridges, the sections shall be measured adjacent to the bridge footings and at least one bridge length away from the bridge in the upstream and downstream directions. Cross sections at each location shall be superimposed for comparison. Cross sections shall also be provided at least one mile upstream and downstream of any proposed in-channel mining area at a minimum interval of 1600 feet or at areas of morphological change (whichever results in less numerous cross sections) unless equivalent cross-sections are provided by any other mine operator. Cross sections shall be provided as indicated above for all in-channel and off-channel mining areas within each proposed Periodic MRP (for off-channel areas, only a "typical" cross section shall be required describing existing, proposed and ultimate conditions). Cross sections adjacent to critical structures and in areas of morphological change shall be prepared by in-field survey or other method approved by the Flood Control District providing equivalent accuracy. Cross sections for other locations may be computer generated; however, in field verification for any computer generated cross section can be required by the Flood Control District.

- 3) **Thalweg Profile:** A thalweg profile plot, showing existing and proposed thalweg profiles for the Periodic MRP area(s) shall be prepared using data taken from the cross sections. Each thalweg data point shall be labeled with the corresponding name or number of the cross section from which it originates. All hydraulic controls (e.g. Grade stabilizers, resistant substrates) intersected by the profile shall be labeled. The thalweg plot shall also contain a legend which has the project name, date and california mine identification number.
- 4) **Redline Elevations:** Redline elevations and appropriate setbacks from critical structures shall be determined for each MRP in conjunction with the County Flood Control District and CALTRANS based on the results of the hydrology model and observations of existing conditions for each critical structure affected by surface mining operations. Such redline elevations and setbacks shall be graphically depicted on all project plans and in the field through appropriate surveyed monumentation acceptable to the County Flood Control District and CALTRANS.
- 5) **Mapping Specifications:** All surveys, cross sections, and photogrammetric mapping shall be in conformance with the following specifications:
 - i. Vertical control surveys for establishing elevations on the project control, photogrammetric control and cross section end points shall be accomplished in accordance with third-order or higher standards, and referenced to the north american vertical datum of 1988 (NAVD88), or the national geodetic vertical datum of 1929 (ngvd1929) previously known as the sea level datum of 1929.

- II. Horizontal control surveys for establishing state plane coordinates on the project control, photogrammetric control and cross section end points shall be accomplished to at least third-order class 1 standards
- III. The ground control for topographic surveys shall be established in a location where erosion, sedimentation, and mining activities will not disturb the survey marker.
- IV. Photogrammetric mapping, aerial cross sectioning or digital terrain modeling shall meet the specifications set forth in *general specifications for photographic mapping, 1979*.
- V. For cross sections and spot elevations and other elevation data points derived from photogrammetry, at least 90% (e90) of all elevations shall be within 0.5 feet of the true elevation in those areas not obscured by vegetation, debris, or structures. No elevation shall be in error by more than 1.0 feet of its true elevation. Contours shall comply with the criteria in *general specifications for photographic mapping, 1979*. For data points derived from field survey measurements at least 90% (e90) of all such elevations shall be within 0.5 feet of the true elevation. No elevations shall be in error by more than 1.0 feet of its true elevation.
- VI. Elevations shall be expressed to the nearest 0.1 foot for both ground and photogrammetric based data.
- VII. The maximum distance between any two terrain data points along a cross section in flat areas or in areas of constant, uniform grade shall not exceed 100 feet. Data points on each section shall include all breaks in the terrain.
- VIII. Survey control points for project control and cross section end points shall be permanently monumented using either commercial monuments, #6 (or larger) rebar, 3/4" diameter (or larger) galvanized pipe. Ground control for topographic surveys shall be established in a location where erosion, sedimentation, and mining activities will not disturb or dislocate the survey marker. On projects utilizing photogrammetry, control points shall be targeted and visible in the photographs.
- IX. Cross section lines shall extend beyond the active channel width and onto any adjoining terrace flooded by a 100-year flood. The end points shall begin and terminate on stable banks where disturbance and bank erosion is not anticipated. Cross section lines shall be oriented normal (perpendicular) to the active channel.
- X. Cross sections shall be drafted at a readable scale, with a vertical exaggeration appropriate to the dimensions of the site. The cross sections shall be submitted on a 24"x36" 10 square per inch grid, reproducible medium. Cross sections shall be drafted consistently so that the right bank (rb) of the river is at the right side of the drafted cross section. Zero (0) distance in cross sections is at the left bank (lb) end point. By convention, the right bank is to the right as one faces downstream.

XI. Cross section data shall be submitted on a 3.5 inch diskette as a digital (ACAD Ver 12.0 or better), along with a hard-copy print out of the data. The data shall be identified with a california mine identification number and dated.

XII. A project cover sheet shall be provided that summarizes the surveying procedures as follows:

- A certificate and seal placed by the surveyor or engineer in responsible charge for the project.
- A control diagram and statement regarding the basis of the horizontal and vertical datums employed, together with government monuments utilized for this purpose.
- A description of the benchmarks and horizontal control stations utilized for the survey, the elevation ascribed to the benchmarks, and the coordinates ascribed to the horizontal control station.
- A tabulation of the published values including computed state plane coordinates and descriptions and elevations for the cross section end points and horizontal and vertical control points established in conjunction with the project.
- A tabulation listing the reference points, descriptions of the reference points, and distances and elevation differences to the cross section end point.
- An accuracy and precision statement certifying the field procedures and confidence level of control and data measurements established in conjunction with the project with reference to the standards referenced under "cross section surveys and drafted cross sections".
- A location map with north arrow and scale.
- The project name, river or stream name, river mile/station corresponding to the location of the site (when available), affected property owner(s), a key map illustrating all affected assessor's parcel number(s) and california mine identification number. To the extent that other agencies issue permits, such as a county use permit or army corps of engineers section 404 permit, or other binding agreements for the project, such as a department of fish and game streambed alteration agreement, these are also identified on the cover sheet.
- River stationing shall be standardized using numbering and spacing as determined by the County Flood Control District.

- B. STRUCTURES & IMPROVEMENTS:** Any proposed grade stabilization/control structures and hard bank protection for any affected areas shall be indicated on the plans. The designs for such structures shall be prepared by a registered civil engineer and shall be reviewed and approved by the agencies. The proposed timing for construction of such improvements shall be indicated in the written project description that shall accompany each Periodic MRP.
- C. PROPOSED RECLAMATION:** Any areas proposed to be reclaimed during the permit period shall be indicated on the plans including the proposed end use, method and timing for completion of reclamation. Performance criteria for measuring the success of reclamation shall be indicated as part of the written project description and shall conform to the requirements of the Surface Mining and Reclamation Act and all applicable local implementing ordinances.
- D. OFF CHANNEL MINING:** Plans and the written project description for any off-channel mining shall address the following additional requirements:
- 1) A future potential residential building site shall be identified on each legal parcel. Said building site shall be a minimum of one acre in size, located on the perimeter of the parcel, and shall be a minimum of two feet above the 100 year flood elevation in accordance with County Ord. No.3098. Said building site shall be improved in conjunction with completion of reclamation of said parcel. Alternatively, prior to commencement of surface mining operations on any off-channel parcel, the operator shall acquire, or if the parcel is already owned by the operator, restrict, the development rights to said parcel in a form and manner acceptable to County Counsel precluding future development of any habitable structures on said parcel.
 - 2) A private maintenance agreement for all required in-stream or tributary grade control/stabilization structures and levees shall be prepared to the satisfaction of the County Flood Control District and County Counsel. Said agreement shall include a requirement to post financial assurances in an amount determined to be adequate by the County Flood Control District for routine maintenance and a sufficient contingency amount for additional maintenance and/or replacement that may be necessary in the event of a major breach. Said financial assurance shall remain posted with the District for a period not to exceed 10 years after completion of final site reclamation unless a persistent pattern of erosion affecting long term maintenance of said levees and structures is observed during the life of the project by the County Flood Control District. If such erosion is observed and adequate remedial measures as determined by the County Flood Control District have not been satisfactorily implemented prior to release of the initial financial assurance, the District may adjust the amount of the financial assurance as necessary and extend the time period in which financial assurances for such maintenance shall remain posted by an additional 10 years. Said maintenance agreement shall also include a "Hold Harmless/Indemnification Agreement" in favor of the County and Flood Control District. Said agreement shall also specify that all channel and basin side slopes and all basin bottoms shall remain undisturbed upon completion of

reclamation except as specifically authorized by this maintenance agreement. Said agreement shall run with the land and identify the parties responsible for implementation of the agreement during and after completion of mining and reclamation. Said agreement shall be recorded prior to commencement of mining within each parcel of off-channel land contiguous to a levee. All of the above requirements shall be recorded on the title of each parcel on which mining would occur in the form of a "Notice to Property Owner" subject to the review and approval of County Counsel prior to commencement of mining within each parcel of off-channel land.

- 3) Off-channel pit mining shall be designed to receive and convey interior (pit) and off-site drainage to an acceptable existing drainage course, or shall be retained on-site in a manner acceptable to the County Flood Control District.

E. IN-CHANNEL MINING: Plans and the written project description for any in-channel mining shall address the following additional requirements:

- 1) In-channel mining shall be conducted in a manner which shall minimize impacts on sediment transport throughout the river. No isolated, local in-channel pits shall be permitted. Mining within inundated areas of the channel shall not be permitted. The in-channel mining shall be done in a progressive, sequential manner by widening existing channel areas as excavation advances upstream and downstream. Excavation shall occur in a manner that will allow for concurrent, ongoing reclamation to maximize habitat function and value throughout the life of the project.
- 2) A private maintenance agreement for all required in-stream or tributary grade control/stabilization structures and levees shall be prepared to the satisfaction of the County Flood Control District and County Counsel. Said agreement shall include a requirement to post financial assurances in an amount determined to be adequate by the County Flood Control District for routine maintenance and a sufficient contingency amount for additional maintenance and/or replacement that may be necessary in the event of a major breach. Said financial assurance shall remain posted with the District for a period not to exceed 10 years after completion of final site reclamation unless a persistent pattern of erosion affecting long term maintenance of said levees and structures is observed during the life of the project by the County Flood Control District. If such erosion is observed and adequate remedial measures as determined by the County Flood Control District have not been satisfactorily implemented prior to release of the initial financial assurance, the District may adjust the amount of the financial assurance as necessary and extend the time period in which financial assurances for such maintenance shall remain posted by an additional 10 years. Said maintenance agreement shall also include a "Hold Harmless/Indemnification Agreement" in favor of the County and Flood Control District. Said agreement shall also specify that all channel and basin side slopes and all basin bottoms shall remain undisturbed upon completion of reclamation except as specifically authorized by this maintenance agreement. Said agreement shall specify that the applicant is responsible for implementation of the agreement during the life of the project and the property owner is responsible after

completion of mining and reclamation. Said agreement shall be recorded prior to commencement of mining and shall remain in effect in perpetuity for each affected parcel. All of the requirements of this condition shall be recorded on the title of each parcel on which in-channel mining would occur in the form of a "Notice to Property Owner" subject to the review and approval of County Counsel prior to commencement of mining within each parcel of land.

- 3) If no in-channel mining is proposed for any Periodic MRP, Planning & Development, in consultation with the County Flood Control District may waive or modify mapping or other plan submittal requirements for these in-channel areas.

F. AERIAL PHOTOGRAPHS: three sets of aerial photographs shall be provided by the operator concurrently with submittal of each Periodic MRP depicting the entire project area. Vertical format aerial photographs provide a base for overlays and a reference as to the placement of the cross section lines relative to the features on the ground. The photographs are also used to track sediment transport and fluvial geomorphic trends, note ground disturbance relative to mining and reclamation activities and provide information on vegetative cover. The photographs shall meet the specifications of the County Flood Control District and Planning & Development for purposes of monitoring project impacts. The proposed limits of mining shall be shown as an overlay to these photographs. In addition, all aerial photography provided shall meet the following specifications:

- 1) Aerial stereo photo print(s) shall be submitted that clearly show the site. The print(s) shall be 9"x 9" contact color prints. The negatives of these prints shall be photographically enlarged and screened onto reproducible mylar at a scale of 1 inch = 200'.
- 2) When applicable, the flow at the time the aerial photo was taken, measured in cubic feet per second, shall be determined from published data from the closest stream gauge and is included in the legend. The aerial photograph shall portray low river stage so that dry bars and channel areas proposed for gravel extraction are exposed (above water). ***Mitigation Measure MRP-1-HYDRO-1***

Timing: Prior to commencement and with every Periodic MRP thereafter.

Monitoring: The applicable agency shall be responsible for review and approval of the plan.

14. ***(In-Channel Critical Structures):*** If at any time during the life of the project, the County Flood Control District, Army Corps of Engineers, Public Works Department or CALTRANS, after joint consultation, determine that impacts to critical structures (i.e. bridges, levees, in-stream grade stabilization structures, bank protection, pipelines, etc.) within the river are occurring that were not predicted by the FLUVIAL 12 model prepared for the project, the concerned agency shall notify the Planning Agency of each jurisdiction. The Planning Agency may order a temporary cessation of in-channel surface mining

operations throughout the affected area if necessary to prevent further adverse impacts from occurring and require the applicant to fund any studies that may be necessary to determine the extent and cause of said impact and necessary mitigation. If said studies determine that surface mining operations conducted by the applicant have directly or indirectly caused or contributed to said impact then the Planning Agency shall refer the project conditional use permit to the County Planning Commission for appropriate action to ensure that the projects' contributions to the impact are fully mitigated. Such mitigation can include, but is not limited to: repair, maintenance, replacement and/or reconstruction of the impacted structure; construction of additional facility/grade stabilization structures; revisions to the approved mining depth, width, location; or, other measures deemed necessary for the protection of critical structures affected by surface mining operations. The applicant will be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by the County agencies. ***Mitigation Measure MRP-1-HYDRO-3***

Timing: Ongoing during mining.

Monitoring: The County Flood Control District, Public Works Department, ACOE and CALTRANS shall monitor compliance with this measure.

15. ***(Mining Coordination):*** In the event that in-channel surface mining operations are not occurring in a coordinated manner between the mine operator and Coast Rock Products with respect to mining sequencing, maintaining approved channel depths, gradients, widths, or any other areas where coordination between the two operators is required by project conditions, the Santa Barbara County Planning & Development Department, in consultation with the County Flood Control District and ACOE, may order in-channel surface mining operations to cease immediately within the affected area under its jurisdiction until the necessary coordination occurs. The applicant will be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by County agencies.
Mitigation Measure MRP-1-HYDRO-4

Timing: Ongoing during mining.

Monitoring: The County Flood Control District and Road Division shall monitor compliance with this measure.

16. ***(Channel Transition between Operators):*** In the event that coordination of in-channel mining operations between Kaiser Sand and Gravel and Coast Rock Products is not occurring in accordance with the approved MRP, the Santa Barbara County Planning & Development Department, in consultation with the Flood Control District may order either operator to maintain a specified transitional channel configuration between their respective surface mining operations that is consistent with the approved MRP. Reciprocal access/surface mining easements and/or agreements to the satisfaction of County Counsel and the Flood Control District shall be provided prior to issuance of a land use permit for the first MRP for either operator to ensure that either operator, upon such order can enter onto an

identified transition zone within the boundaries of either surface mining operation to excavate the channel to achieve/maintain the approved transition between surface mining operations in accordance with the MRP. Either operator shall be mutually held harmless in advance from carrying out said activities under said order. The applicant will be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by County agencies. ***Mitigation Measure MRP-1-HYDRO-5***

Timing: Ongoing.

Monitoring: The County Flood Control District shall monitor compliance with this measure.

17. (***Basin Design***): The final design for the Davis and Carranza Basins shall be prepared by a qualified registered professional to Flood Control District standards. The basins shall be constructed according to the following requirements to protect adjacent property, public roads and to promote public safety(***Mitigation Measure MRP-1 -HYDRO-7***):

- a) Basins shall be designed to county standards which include: Final side slopes of basins shall not exceed 2:1 above high water mark (as determined by the County Flood Control District) plus five feet and 4:1 slope below high water plus five feet; perimeter fencing for the basins (except for the north side of the basins adjacent to the river bank), in conformance with County Flood Control District standards for height, location, spacing, and design shall be required to be installed upon completion of the first Periodic MRP for each basin. Perimeter fencing shall be designed, where feasible to accommodate migration by sensitive animal species.
- b) The applicant shall be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by applicable agencies.
- c) The operator shall provide the County and Flood Control District with a Hold Harmless Agreement and Indemnification Agreement subject to review and approval by County Counsel for any liability associated with approval, construction, operation, use, maintenance, and monitoring of the basins.

Timing: Design plans for each basin shall be submitted prior to the first periodic review applicable to each basin. Installation of improvements shall occur as noted in the approved Periodic MRP.

Monitoring: The County Flood Control District shall monitor compliance with this measure.

18. (***Setbacks***):

- a) A minimum 200' setback shall be maintained along the south river bank in perpetuity between final basin top of slope and the point of intersection between the 100 year

inundation elevation and a 3:1 slope projected upward from the final base river bank elevation (see illustrative figure below). The base river bank elevation shall not include colluvial or slope wash debris mantles deposited over the base native, older, fine grained alluvium material of which the banks are comprised (see illustrative figure below). The final reclaimed channel bank shall be graded to a 3:1 slope upon completion of in-channel mining in areas adjacent to the off-channel basins unless P&D and the County Flood Control District jointly determine that the slopes would be stable, not a significant hazard to the public, provide adequate protection to the adjacent pits, and provide habitat value, in their existing condition. If the slopes are allowed to remain in their existing condition based on the criteria listed above, the operator shall provide the County with a “Hold Harmless” agreement and indemnification agreement pertaining to any potential liability that may arise from leaving the slopes in their existing condition.

- b) Bio-engineered bank protection and/or hardbank protection up to the 100 year inundation elevation, or acceptable alternative measures, can be required at the discretion of the County Flood Control District in order to ensure that the required setback is maintained between the basin side slopes and the river if a persistent pattern of slope erosion is observed. Bank protection shall be designed by a registered civil engineer subject to review and approval by the County Flood Control District and ACOE. The applicant shall pay plan check and inspection costs incurred by the responsible agency(s).
- c) Basin setbacks from adjoining property lines shall be as existing except where modified as follows: Carranza South—50 feet from the top of slope of the basin to the Foxen Canyon Road right-of-way (or edge of pavement, whichever provides a larger setback) Carranza West---25 feet between the property line and the existing pit and 50 feet between the property line and the new, expanded pit area; Davis West---100 feet from the top of slope of the basin to the Foxen Canyon Road right-of-way (or edge of pavement, whichever provides a larger setback); Davis South---100 feet from the top of slope of the basin to the property line. The setback between basins shall be a minimum of 50 feet. All setbacks shall be maintained in accordance with the provisions of the maintenance agreement referenced in condition no. 15(D)(2). ***Mitigation Measure MRP-1-HYDRO-8A.***

Timing: Ongoing. The applicant will be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by applicable agencies.

Monitoring: The County Flood Control District shall monitor compliance with this measure.

19. (***Drainage***): A registered civil engineer shall design drainage improvements to convey off-site flows and road drainage into or around the proposed basins in an acceptable manner consistent with Section 3706 of the CCR and County Flood Control District regulations. Said drainage shall be provided during mining operations and upon final mine reclamation.. Plans shall be reviewed and approved by County Public Works and County Flood Control District. The applicant shall be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by applicable agencies. ***Mitigation Measure MRP-1-HYDRO-9***

Timing: Prior to commencement of mining for the Periodic MRP Review . The applicant will be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by applicable agencies.

Monitoring: The County Flood Control District shall monitor compliance with this measure.

20. (***Floodway Encroachment***): Prior to construction of any improvements in the regulatory floodway of the river channel, the applicant shall submit an encroachment analysis in accordance with the County's Floodplain Management Ordinance 3098. ***Mitigation Measure MRP-1-HYDRO-10***

Timing: Ongoing during mining.

Monitoring: The County Flood Control District shall monitor compliance with this measure.

21. (***Future Modeling***): In the event that modifications are requested by the applicant pertaining to approved in-channel surface mining operations, or in the event that flood flows have substantially altered the channel configuration as determined by the County Flood Control District, in consultation with other responsible agencies, the District may require the operator to reanalyze sediment transport, geomorphological, and flood conveyance impacts with an approved model (or other approved method). The purpose of this re-evaluation would be to determine whether either the proposed modifications or interaction of previously approved mining with the changes to the project setting would result in new or more severe potentially significant impacts on sediment transport and/or river morphology. If such new or more severe impacts are predicted to occur and the agencies determine that existing project mitigation measures and conditions would not adequately address such impacts, the conditional use permit may be re-opened with respect to all in-channel mining areas and referred to the Planning Commission in each County for review. The Planning Commissions may add, replace, modify or rescind project conditions as necessary to address any new or more severe potentially significant impacts. ***Mitigation Measure MRP-1-HYDRO-11***

Timing: Ongoing during mining.

Monitoring: The County Flood Control District shall monitor compliance with this measure.

22. (Tributary Erosion):

- a) Prior to approval of each Periodic MRP Review, the County, in consultation with the ACOE, shall determine whether in-channel mining is causing or is likely to cause head-cutting at the following river tributaries: Tepusquet Creek, Kelly Canyon Creek, Foxen Canyon Creek, Long Canyon, Olivera Canyon or any other unnamed tributaries. If, in the opinion of the County and ACOE, head-cutting is likely to occur, the County and ACOE may require modifications to in-channel mining practice as necessary to minimize the potential for tributary head-cutting. Such modifications may include, but are not limited to: revised channel gradients, setbacks from the confluence of river tributaries, changes in mining depth to provide acceptable transitions between tributaries and the river, engineered grade stabilization structures.
- b) Grade stabilization structures shall only be required if alternative means to address the potential for tributary head-cutting are not feasible. Should grade stabilization structures prove to be necessary, separate permitting and environmental review for said structures shall be required by the County and the ACOE. Grade stabilization structures shall be designed to minimize adverse impacts on river morphology, riparian and wetland vegetation, and fish migration. Any approved stabilization structures shall be designed by a registered civil engineer. Any stabilization structures shall have crest elevations similar to the natural streambed. Construction of any stabilization structures shall be inspected by the County with permit, plan check and inspection fees paid by the applicant.
- c) If new, unanticipated adverse impacts (such as head-cutting, aggradation, degradation, bank erosion) occur, attributable to approved mining operations, that are beyond those identified in the original impact analysis, then the applicant(s) shall be required to mitigate such impacts to the maximum extent feasible to the satisfaction of the County of Santa Barbara and ACOE in conformance with Section 3710(c) CCR. If the additional mitigation is not effectively reducing impacts to less than significant levels, the agencies shall have the authority to curtail and/or stop mining which is causing or contributing to these impacts pursuant to SMARA Section 2774.1
- d) The applicant shall be responsible for the maintenance and repairs of any required grade stabilization structures throughout the life of the mining project. Maintenance thereafter shall be worked out between the applicant and the property owner(s). However, each property owner shall ultimately be responsible for adequate maintenance of all structures in conformity with Flood Control District requirements. Existing and prospective property owners shall be informed through recordation of a "Notice to Property Owner," of the estimated level of effort/cost of maintaining grade control structures. The applicant shall pay plan check and inspection costs incurred by the responsible agency(s). ***Mitigation Measure MRP-1-HYDRO-12***

Timing: Prior to approval of each Periodic MRP Review and ongoing during mining.

Monitoring: The Counties and ACOE shall review annual mining reports and the Periodic MRP to ensure compliance. Each report shall include information concerning any proposed drop structures. Copies of “Notice to Property Owners” shall be reviewed and approved by P&D prior to recordation and prior to construction of any grade stabilization structures.

23. (Levee Design) :

- a) Prior to approval of the first Periodic MRP, any new levees and levee hard bank protection shall be designed by a registered civil engineer and reviewed and approved by the Santa Barbara County Flood Control District and other permitting agencies. Said design shall assure protection against breaching caused by overtopping, erosion due to high velocity flows, and piping failure.
- b) If any levees breach or are subject to imminent breach as determined by the County Flood Control District, either during or after completion of surface mining operations, then the applicant or successor property owner shall be required to reconstruct the levees or complete other remedial action as directed by the County Flood Control District before any mining proceeds in the affected area or as set forth in the approved maintenance agreement. Any levee reconstruction shall conform to all applicable project conditions pertaining to design, location, setbacks, slopes as determined by the County Flood Control District. The applicant shall pay plan check and inspection costs incurred by the responsible agency(s).
- c) Slopes on the south river side of levees and/or mined creek bank areas shall be ultimately reclaimed and constructed as 3:1 or flatter slopes. Levees shall have a minimum top width of 50 feet. Berms located between off-channel pits shall have a minimum top width of 50 feet. Slopes along the north side of the river shall not exceed 2:1 with a minimum setback of 25 feet between the top of slope and the adjoining property line. ***Mitigation Measure MRP-1-HYDRO-13***

Timing: Prior to commencement of off-channel mining and ongoing thereafter.

Monitoring: Periodic inspections of mining activities and levee construction shall be made by the County.

24. (Crossing Maintenance): The applicant shall maintain or modify dip crossings at Tepusquet, during normal and low flow years for the life of the project to the satisfaction of the County Public Works Department and Flood Control District. ***Mitigation Measure MRP-1-HYDRO-14***

Timing: Annually.

Monitoring: The County shall monitor dip crossings and repair efforts annually to ensure satisfactory maintenance.

BIOLOGY MITIGATION MEASURES

25. Periodic mining & reclamation plan: Prior to commencement of surface mining operations for Phase I and coinciding with renewal of each Section 404 permit, after the initial commencement of mining, the applicant shall submit a mining and reclamation plan (MRP) for the upcoming Section 404 permit period for review and approval by each applicable agency of jurisdiction. The applicant shall be responsible for reimbursement of costs associated with, plan review and mitigation monitoring incurred by applicable agencies. Said plan, and accompanying written project description, shall include the following elements:
- A. **RESOURCE MAPPING:** The specific extent of all biological resources within the area proposed to be disturbed shall be mapped by an agency approved Biologist/Wetlands Specialist based on an updated spring biological survey. Said mapping shall be provided as an overlay to the proposed mining plan.
 - B. **MINING IMPACT EVALUATION AND MITIGATION:** The written project description accompanying the mining plan shall include a specific biological resource impact assessment prepared by an agency approved Biologist/Wetlands Specialist. The impact assessment shall consist of an analysis of the feasibility of avoidance of said resources, a description of the extent and chronology of disturbance to said resources where avoidance is not feasible, a description of the specific mitigation (from the menu of measures included in the program EIR) proposed for disturbance of said resources, mitigation monitoring, contingency mitigation in the event that the proposed mitigation fails, and a description of the timing of implementation of mitigation. Mitigation shall be consistent with the measures listed below for each specific sensitive biological resource. Mitigation plans shall be developed in accordance with the ACOE Habitat Mitigation and Monitoring Guidelines in effect at the time each Periodic MRP is reviewed.
 - C. **PROPOSED RECLAMATION:** All areas proposed to be reclaimed during the permit period shall be indicated on the plans including the proposed end use, method and timing for completion of reclamation. Performance criteria for measuring the success of reclamation shall be indicated as part of the written project description and shall conform to the requirements of SMARA and all local implementing ordinances. (*Mitigation Measure MRP-1-BIO-1*)
 - D. If no in-channel mining is proposed for any mining period, Planning and Development, in consultation with the Army Corps of Engineers and the State Department of Fish and Game may waive or modify plan submittal requirements (including surveys) for the in-channel areas.

Timing: Prior to commencement and with every Periodic MRP thereafter.

Monitoring: The applicant shall submit the required mining and reclamation plan as required. The Joint Review Panel (JRP) shall be responsible for review and approval of the plan. The applicant will be responsible for reimbursement of costs associated with plan review and mitigation monitoring incurred by applicable agencies.

WETLAND MITIGATION:

26. (***Wetland & Willow Riparian Habitat Avoidance/Replacement***): To protect wetland resources, the applicant shall avoid all federally-delineated wetlands and willow riparian habitat to the maximum extent practicable. (***Mitigation Measure MRP-1-BIO-2***)

- a) ***Mitigation Ratio:*** To mitigate for impacts on wetlands and willow riparian habitat that cannot be avoided (including habitat identified in the baseline delineation prepared for the EIS/R and any new habitat that develops subsequent to project initiation), the applicant shall establish and maintain self-sustaining wetlands and willow riparian habitat in or adjacent to the river environment in County-designated mitigation sites within the project area to offset the functions and values of the impacted habitat. Total self-sustaining, wetlands and willow riparian habitat provided in these identified mitigation sites shall be required to equal at least 1.5 times the area of wetlands and willow scrub removed or disturbed by mining and at least 3 times the area of riparian willow forest or oak woodland habitat removed or disturbed by mining on an ongoing basis throughout the life of the project. Replacement habitat at the specified ratios shall be provided in advance or concurrently with removal of wetland and willow riparian vegetation associated with approved mining.
- b) ***Advance Mitigation:*** To provide for advance mitigation of project impacts, a mitigation bank shall be established within areas in or adjacent to the river channel that are not proposed for further mining. During the first 5 year in-channel mining period, the advance mitigation areas shall be fully vegetated to provide replacement of existing wetland and willow riparian habitat proposed to be removed during the life of the project (using either the baseline conditions mapped in the Final EIS/R or an updated biological survey and wetland delineation prepared by a County approved biologist and submitted with the first Periodic MRP). The advance mitigation areas shall be maintained to offset removal or disturbance of wetland and willow riparian habitat in areas approved for future mining pending establishment of permanent habitat mitigation sites of equivalent or greater area within either the Carranza, Davis, or Little Lucy off-channel pits, or other site acceptable to the regulatory agencies. Once permanent habitat mitigation sites are successfully established, further maintenance of the advance mitigation sites will not be required.

Functional assessments of mitigation areas shall be utilized to document success of mitigation efforts. These shall be conducted by an ACOE and County approved biologist/wetlands specialist, and in accordance with an ACOE and County approved methodology. Any future mining projects conducted by the permittee extending beyond the Plan area, other mining projects within the Sisquoc/Santa Maria rivers, or other

projects requiring wetland and/or riparian habitat mitigation shall not be allowed to utilize the advance mitigation required for this project without prior approval by the County through a revision to this permit.

- c) ***Cumulative Habitat Preservation*** Each periodic MRP shall demonstrate that the area of ACOE jurisdictional wetland and willow scrub habitat that has cumulatively developed since the original project delineation (Category “B” below) plus the area of ACOE jurisdictional wetland and willow scrub habitat that has been successfully established at each mitigation site to date (Category “E” below) shall always equal at least 1.5 times the area of any ACOE jurisdictional wetlands and willow scrub habitat cumulatively disturbed since project initiation (Category “C” below), i.e. B+E shall be greater than or equal to C at all times. Similarly, the area of willow forest and oak woodland habitat that has cumulatively developed since the original project delineation (Category “B” below) plus the area of willow forest and oak woodland habitat that has been successfully established at each mitigation site to date (Category “E” below) shall always equal at least 3 times the area of any willow forest and oak woodland habitat cumulatively disturbed since project initiation (Category “C” below).

In order to implement this requirement, each Periodic MRP shall include the following information for the area proposed to be mined and areas previously reclaimed (if any):

- An inventory of all wetland, willow scrub, riparian willow forest and oak woodland habitat indicated in the baseline project delineation (“A”);
- An inventory of all wetland, willow scrub, riparian willow forest and oak woodland habitat that has developed since the original project baseline delineation (“B”);
- A cumulative inventory of all wetland, willow scrub, riparian willow forest and oak woodland habitat areas that have been disturbed since project initiation (including habitat proposed to be disturbed during the upcoming Periodic MRP (“C”);
- An inventory of all wetland, willow scrub, riparian willow forest and oak woodland habitat areas that are proposed to be avoided (“D”);
- An inventory of all wetland, willow scrub, riparian willow forest and oak woodland habitat that has been established at each mitigation site to date (“E”).

This information shall be presented graphically and in tabular form indicating the acreage for each affected habitat type for each Periodic MRP. This information shall be tabulated separately for each Periodic MRP and cumulatively over the life of the project to demonstrate compliance with required mitigation ratios. No area will be double counted in the cumulative inventory and each area will be assigned a status best reflecting current conditions at the time of each inventory.

- d) ***Habitat Preservation Incentive:*** If cumulative mitigation requirements described above are met, and a functional assessment, consistent with County and ACOE requirements, confirms that the habitat is self-sustaining and provides functions and values similar to existing habitats within the project area, any habitat existing within the project area at the time of the Planning Commission's ten year review, in excess of that required as mitigation by project conditions, may be applied toward habitat mitigation requirements (on a like for like basis) for future phases of the project. The quantity, type and duration, of any credit granted shall be at the discretion of the County Planning Commission pursuant to County review of any subsequent discretionary permit for future project phases.
- e) ***General Requirements:*** Prior to impacting any wetlands and concurrent with submittal of the Periodic Mining and Reclamation Plan, the applicant shall prepare and submit a wetlands mitigation plan prepared by a Agency approved Biologist or Wetlands Specialist (using the "ACOE Habitat Mitigation and Monitoring Guidelines" as applicable) to the Counties and the ACOE for review and approval. Wetlands mitigation shall be implemented to the satisfaction of the Counties and the ACOE prior to disturbance of existing wetland habitat. The applicant shall include an assessment of existing and newly created federal wetlands in the annual mining/monitoring report to the ACOE and the Counties. All habitat mitigation shall comply with the standards of Section 3703, 3705, and all other applicable requirements of the State of California, Mining and Geology Board Reclamation Regulations.
- f) ***Off-site Mitigation Contingency:*** If suitable areas for the establishment of wetland habitat are not available, the applicant shall enter into a wetlands mitigation agreement with each applicable jurisdiction describing the timing, location, extent, installation, maintenance, monitoring, and contingency mitigation, for replacing the wetlands.
- g) ***Financial Assurance for Implementation and Maintenance:*** The applicant shall provide a financial assurance for the establishment and maintenance of all wetland, willow riparian, and oak woodland mitigation sites in an amount acceptable to the ACOE, State Department of Conservation Division of Mines and Geology and the Counties prior to disturbance of existing wetlands. The financial assurance amount shall include any costs associated with site acquisition and preparation, planting materials, irrigation, monitoring, maintenance, and performance reports with a percentage contingency if determined to be necessary by the agencies. This contingency shall be released after three years if functional wetlands have become established. Financial assurances for long-term maintenance and monitoring of the mitigation sites shall be required to be maintained in accordance with the requirements of SMARA until vegetation is determined by the County to be self-sustaining (or five years, whichever is shorter). The financial assurance shall comply with all requirements of Section 3800 of State Mining and Geology Board Reclamation Regulations governing financial assurances.

- h) ***Updated Habitat Delineation:*** A new ACOE wetland delineation and willow riparian habitat inventory shall be conducted at the end of each mining period and prior to approval of any subsequent mining plans. The delineation shall include a map (similar to those provided in the original EIS/R) of prominent aquatic features including non-wetland waters of the United States, wetlands, riparian corridors and woodlands, vegetated gravel bars, etc. The delineation shall also include a tabular description of the approximate acreage of each habitat type, and a floral and faunal species diversity inventory. The delineation shall be conducted in accordance with the most current methodology approved by the ACOE and County.

Timing: Upon submittal of the Periodic MRP and prior to disturbing any wetlands.

Monitoring: The ACOE/Counties shall inspect established wetlands during the annual field inspection.

27. (***Protective Easements***): All biological mitigation/reclamation sites shall be set aside in perpetuity and maintained throughout the life of the project for their habitat value through the establishment of open space/conservation easements, deed restrictions or other legal mechanism acceptable to the agencies. Any easement or other approved legal mechanism applicable to the Carranza, Davis, and Little Lucy basins shall take into consideration the potential future groundwater recharge use of these basins. Easements shall be dedicated to the Counties and/or Agency approved third party organization.. Easements, deed restrictions, maintenance agreements or other implementing mechanisms approved by the County, shall be recorded on the property title upon completion of reclamation and revegetation prior to final financial assurance release. A compliance fee satisfactory to P&D to provide for long-term monitoring shall be provided upon recordation of the easement(s). (***Mitigation Measure MRP-1-BIO-3***)

Timing Prior to final financial assurance release.

Monitoring: Provisions of the easement shall be monitored annually through site inspections and photo documentation by County staff.

28. (***Fish & Game Approval***): No alteration to stream channels, banks, creeks, and wetlands shall be permitted until a streambed alteration agreement is obtained from the State of California, Department of Fish and Game. (***Mitigation Measure MRP-1-BIO-4***)

Timing: Prior to agency approval for each Periodic MRP, the applicant must receive any necessary agreements from California Department of Fish and Game and provide a copy of the agreements to the agencies-

Monitoring: The agencies shall ensure that all activities are carried out according to the approved agreement through annual inspections and Periodic plan review.

SENSITIVE SPECIES MITIGATION:

29. (***Western Spadefoot Toad***): To reduce potential impacts to the western spadefoot toad, the applicant shall have an agency approved biologist check potential breeding areas for tadpoles prior to disturbance. If present, occupied habitat shall not be disturbed during winter and spring, or until the toads are dispersed. The biologist shall use USFWS-established protocol for surveying and relocation, if available. The applicant shall include a map and brief discussion of any breeding ponds avoided, or disturbed in the Periodic mining/monitoring report. (***Mitigation Measure MRP-1-BIO-5***).

Timing: Surveys of suitable habitat shall be conducted at the appropriate time of the year as required under Section 404 project permit requirements to detect the species prior to disturbance. Written notification shall be provided to the agencies prior to any disturbance. Disturbance shall not occur without County/ACOE approval.

Monitoring: The agencies shall field check these areas and review the surveys during the annual mine inspection.

30. (***Southwestern Pond Turtle***): To reduce potential impacts to southwestern pond turtle, the applicant shall have an agency approved biologist check pools and streams for occurrence before direct or indirect disturbance by mining activities. If present, the turtles shall be netted and relocated to appropriate suitable habitat onsite, in established or existing wetlands, or adjacent to the site (to be determined by the biologist). The biologist shall use USFWS-established protocol for surveying and relocation, if available. The applicant shall include a map showing source and receiving ponds, a brief discussion of any ponds avoided or disturbed in the summer and fall, and numbers of turtles moved in the Periodic mining/monitoring report. (***Mitigation Measure MRP-1-BIO-6***)

Timing: Surveys of suitable habitat shall be conducted at the appropriate time of the year as required under Section 404 project permit requirements to detect the species prior to disturbance. Written notification shall be provided to the agencies prior to any disturbance. Relocation shall not occur without agency approval.

Monitoring: The agencies shall field check these areas and review the surveys during the annual mine inspection.

31. (***California Red-Legged Frog***): To reduce potential impacts to California red-legged frog, the applicant shall have an agency approved biologist survey suitable habitat areas and permanent pools or flowing water areas. The biologist shall use USFWS-established protocol for surveying if available. The applicant shall include a map and brief discussion of any breeding areas avoided or disturbed in the Periodic mining/monitoring report. If impacts to California red-legged frog are anticipated, the applicants shall demonstrate compliance with the Endangered Species Act of 1973, as amended, through the ACOE Section 7 consultation process with the USFWS for activities potentially affecting this species. Conservation

measures such as avoidance of potential habitat and seasonal restrictions on mining operations may be established by the USFWS and shall be implemented by the applicant as required by the conditions of an ACOE permit. (*Mitigation Measure MRP-1-BIO-7*).

Timing: Immediately before disturbance of suitable habitat as required under Section 404 project permit requirements. Reports and surveys shall be submitted prior to agency approval for each Periodic MRP. Written notification shall be provided to the agencies prior to any disturbance. Disturbance shall not occur without County/ACOE approval.

Monitoring: The ACOE/Counties shall field check these areas during the annual mine inspection

32. (*Badgers*): To reduce potential impacts to badgers, a Agency approved biologist shall check possible badger dens for animals prior to land disturbance. If occupied, dens shall be avoided, where feasible, during the spring and early summer. The applicant shall document the location of any encountered badger dens in the annual mining/monitoring report. (*Mitigation Measure MRP-1-BIO-8*).

Timing: Immediately prior to disturbance of suitable habitat. Reports and surveys shall be submitted prior to agency approval for each Periodic MRP.

Monitoring: Compliance shall be monitored by the ACOE in consultation with the Counties The Counties shall field check these areas during the annual mine inspection

33. (*Arroyo Southwestern Toad*): To reduce potential impacts to Arroyo Southwestern Toad, the applicant shall have an agency approved biologist survey suitable habitat areas and permanent pools or flowing water areas during the spring breeding season in areas where mining or other disturbance is proposed to take place. The biologist shall use USFWS-established protocol for surveying if available. The applicant shall include a map and brief discussion of any breeding areas avoided or disturbed in the Periodic mining/monitoring report. If impacts to Arroyo Southwestern Toad are anticipated, the applicants shall demonstrate compliance with the Endangered Species Act of 1973, as amended, through the ACOE Section 7 consultation process with the USFWS for activities potentially affecting this species. Conservation measures such as avoidance of potential habitat, seasonal restrictions on mining operations may be established by the USFWS and shall be implemented by the applicant as required by conditions of any ACOE permit. (*Mitigation Measure MRP-1-BIO-9*).

Timing: Immediately prior to disturbance of suitable habitat as required under Section 404 project permit requirements. Reports and surveys shall be submitted prior to agency approval for each Periodic MRP.

Monitoring: Compliance shall be monitored by the ACOE in consultation with the Counties. The Counties shall field check these areas during the annual mine inspection.

34. (***Southwestern Willow Flycatcher & Other Sensitive Bird Species***): To protect sensitive avian species, the applicants shall demonstrate compliance with the Endangered Species Act of 1973, as amended, through the ACOE Section 7 consultation process with the USFWS for activities potentially affecting these species. In conjunction with submittal of the Periodic mining plan, the applicant shall have an agency approved biologist conduct avian surveys in the spring to check for sensitive bird species including the southwestern willow flycatcher, least Bell's vireo, California yellow warbler, and yellow-breasted chat in any suitable habitat that would be directly or indirectly affected by mining operations. If listed or sensitive bird species are encountered, the applicant shall not disturb or conduct mining adjacent to those areas between April and September, except as may be permitted by the U.S. Fish and Wildlife Service or other agencies with jurisdiction. Conservation measures such as avoidance of suitable habitat, seasonal and operational restrictions may be established by the USFWS and shall be implemented by the applicant as required by the conditions of an ACOE permit. The biologist shall use USFWS-established protocol for surveying, if available (***Mitigation Measure MRP-1-BIO-10.***)

Timing: With each Periodic MRP, in the spring as required under Section 404 project permit requirements.

Monitoring: Compliance shall be monitored by the ACOE in consultation with the Counties. The Counties shall field check these areas during the annual mine inspection.

35. (***Changes in Species Status***): To protect species that may be listed as endangered or threatened (Federal or State) in the future, the applicant shall have a agency approved biologist conduct sensitive species surveys of areas approved for mining in the upcoming Periodic MRP. If future listed species are expected to be impacted by mining activities, the applicant shall demonstrate compliance with the ESA through a new Section 7 consultation with USFWS or a Section 10A permit issued by USFWS, and/or consultation with the California Department of Fish and Game, whichever is appropriate. The biologist shall use USFWS-established protocol for surveying, if available. Any conservation measures and conditions required by USFWS shall be implemented to the satisfaction of the ACOE. The applicant shall submit proof of compliance with this measure (letter or copy of permit) to the Counties involved. (***Mitigation Measure MRP-1-BIO-11***)

Timing: With each Periodic MRP review, during appropriate times for each sensitive species.

Monitoring: Compliance shall be monitored by the ACOE in consultation with the Counties.

NATIVE VEGETATION MITIGATION:

36. (***Tree Protection Replacement***): To protect existing native trees, the applicant shall have a tree protection and replacement program prepared by an Agency-approved biologist. The Agency approved plan and mitigation shall be implemented prior to disturbance of native trees in each Periodic MRP. The program shall include an updated native tree inventory for each area proposed to be mined. Impacted native trees shall be mitigated by: avoidance of direct or indirect impacts; by revising proposed excavations; removal and transplanting of selected trees if determined likely to be successful by the biologist; or tree replacement as noted below. An assessment of the tree protection and replacement program and its success shall be included in the annual mining/monitoring report. The program shall be integrated into ongoing reclamation and shall include but not be limited to the following components:

Program Elements shall be graphically depicted and noted as conditions on Periodic mining and reclamation plans.

- a) The location and extent of dripline for all native trees that would be affected by mining operations and the type and location of any feasible protective measures for such trees.
- b) Equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas.
- c) Only designated trees shall be removed.
- d) Any native trees which are removed and/or damaged (more than 25% of root zone disturbed) shall be replaced with one gallon size saplings grown from locally obtained seed, and for willows, with locally obtained cuttings in conjunction with reclamation plan implementation. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. Drip irrigation system with a timer shall be used for all planted trees. Trees affected in each Periodic MRP shall be replaced as indicated above, prior to or concurrently with completion of mining for that Periodic MRP. Any trees planted shall be irrigated and maintained until self-sustaining or for five years. The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher protection during the maintenance period.
- e) Maintenance of all native trees planted shall be accomplished through water-conserving irrigation techniques.
- f) Specimen trees of significance designated to be salvaged shall be boxed and replanted in an approved location within the project area.
- g) Any unanticipated damage that occurs to trees or sensitive habitats resulting from surface mining operations shall be mitigated in a manner approved by the agencies. This

mitigation may include but is not limited to posting of a performance security, tree replacement and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of the agencies prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by the agencies after inspection and approval of such installation. (***Mitigation Measure MRP-1-BIO-12***)

Plan Requirements: Prior to commencement of mining for the Periodic MRP, the applicant shall submit a copy of the tree protection/replacement plans to the agencies for review and approval. All aspects of the plan shall be implemented as approved. Prior to commencement of mining for each Periodic MRP, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to COUNTY and in conformance with the requirements of SMARA to ensure that tree replacement and maintenance will occur.

Timing: All measures must be in place throughout all surface mining operations.

Monitoring: The agencies shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures.

HABITAT FRAGMENTATION MITIGATION:

37. (***Foraging/Movement***): To reduce impacts on wildlife movement and re-establish foraging area as rapidly as possible, in-channel mining and subsequent revegetation of the Santa Maria/Sisquoc River corridor shall occur in accordance with the following standards:

- a) No isolated, local in-channel pits shall be permitted. Mining within inundated areas of the channel shall not be permitted. The in-channel mining shall be done in a progressive, sequential manner by widening existing channel areas as excavation advances upstream and downstream. Excavation shall occur in a manner that will allow for concurrent, ongoing reclamation to maximize habitat function and value throughout the life of the project. Areas requiring bank protection as determined by the County Flood Control District and ACOE shall be revegetated by the applicant if feasible based on the method approved by the District and the ACOE. Bank protection techniques which allow revegetation to occur are preferred. Revegetation of protected banks shall utilize native, fast growing, plants that will quickly cover the area and thrive in a rocky environment. Local shrubby native species suggested include: California Wild Rose (*Rosa californica*), Wild Blackberry (*Rubus ursinus*), Chaparral Morning Glory (*Calystegia macrostegia*, subspecies *cyslostegia*), Mugwort (*Artemisia douglasiana*), Creek clematis (*Clematis ligusticifolia*). Species selection shall be dependent upon the nature of the habitat and the species composition of adjacent areas. (***Mitigation Measure MRP-1-BIO-20***)

Timing: Revegetation of the channel side slopes shall occur progressively as an ongoing component of mining operations. The annual mining report shall include a description of all revegetation that has occurred during the preceding year.

Monitoring: The agencies shall review and approve all plans for compliance and verify compliance as part of annual mining inspections.

38. (**Wildlife Corridor**): To provide a wildlife corridor through the project site, Kaiser Sand and Gravel, Inc. shall establish the "Ledges Unit" and a 100-foot wide area north of the proposed river mining (measured from the toe of the final cut slope) as an open/conservation easement or reserve this area as open space through some other agency accepted legal mechanism (Easement areas shall not allow access by the general public except as necessary in conjunction with public road crossings.) (**Mitigation Measure MRP-1-BIO-13**)

Timing: Ongoing. The form of proposed creation of an easement or other open space designation acceptable to the County shall be submitted to County for approval prior to the first Periodic Review following Land Use Clearance. The easements or other open space areas shall be granted or otherwise created prior to the next Periodic Review following completion of mining and reclamation activities in the respective areas. Corridor revegetation shall take place in conjunction with planned mining and reclamation.

Monitoring: The ACOE/Counties shall assure and monitor compliance during annual mining inspections and Periodic Reviews.

39. (**In-Channel Structures**): Outlet structures and grade control/stabilization structures shall minimize disturbance to the natural drainage and native vegetation. Use of hard bank structures shall be avoided where feasible. Where such structures must be utilized, natural rock or ungrouted rip rap may be used where determined feasible by the agencies for bank protection so that vegetation can be established. If the agencies determine that concrete must be used, then prefabricated crib wall construction shall be used rather than pouring concrete. Rock grouting shall only be used if no other feasible alternative is available as determined by the agencies. All proposed drainage devices and grade control/stabilization structures shall be placed in the least environmentally damaging locations. The least environmentally damaging locations shall be identified in a report prepared by an agency approved engineer prior to agency approval for any in-channel structures. The applicant shall submit an engineering study and biological impact assessment which describes impacts expected from installation of the proposed structures into the existing stream channel. Additional mitigation measures suggested by this study shall be considered by the agencies in their review of subsequent permits for any in-channel structures. (**Mitigation Measure MRP-1-BIO-14**)

Timing: Plans shall be submitted for review and approval by the agencies prior to commencement of mining for each Periodic MRP. Agency approved structures shall be installed concurrently with approved mining operations.

Monitoring: The agencies shall review and approve all plans for compliance. The agencies shall assure and monitor compliance during annual mining inspections.

40. (***Grazing Restrictions during Revegetation***): All areas proposed to be actively revegetated shall be protected from livestock grazing if determined to be necessary by the County during and after planting until all plants are determined to be self-sustaining by the agencies or for a maximum of five years from initial planting, whichever period is shorter (***Mitigation Measure MRP-1-BIO-15***)

Timing: Prior to approval of each Periodic MRP, the County shall determine which revegetation areas will require fencing. Any required fencing will be installed prior to initiation of any planting that occurs in any Periodic MRP.

Monitoring: Permit Compliance shall review and approve fence location and design and verify installation in the field as part of Periodic plan review and during annual mining inspections.

41. (***Noise***): To reduce potential noise impacts to sensitive bird species, the location of existing and proposed haul roads in relation to nesting sites of sensitive bird species shall be reviewed as part of each Periodic MRP. Where nesting is found to be occurring adjacent to haul roads, set backs between haul roads and sensitive bird nesting sites shall be required until any young birds have fledged, if determined to be necessary by the agencies to reduce potentially significant impacts. Such setbacks, if required, shall provide a minimum separation of 100 feet between haul roads and sensitive bird nesting sites. This setback, if required, can apply to all new haul road extensions and to all existing haul roads where feasible and where relocation of the haul road shall not cause other adverse environmental impacts to occur as determined by the agencies. Plan Requirements: Prior to extending haul roads, the operator shall provide the agencies with jurisdiction over the sensitive bird species with maps and plans as part of the Periodic MRP showing the existing and proposed haul road route(s) and its distance from adjacent nesting sites. (***Mitigation Measure MRP-1-BIO-16***)

Timing: Prior to the construction of new haul roads and approval of each Periodic MRP.

Monitoring: The agencies shall review and approve haul road locations and setbacks as part of the periodic MRP review.

GENERAL HABITAT MITIGATION:

42. (***Reclamation Plan Implementation***): To reduce impacts to County defined wetlands, the applicant-proposed habitat revegetation program shall be implemented in conformance with SMARA Performance Standards for Wildlife Habitat and Revegetation (State Mining and Geology Board, PRC Article 9, §3703 and 3705, respectively) throughout the life of the project (except as specifically modified by project mitigation measures, then such mitigation

measures shall take precedence). Within 18 months of approval of the project and prior to approval of each Periodic MRP, the applicant's Agency approved biologist shall do the following:

- a) Survey landward areas (or provide data if previously collected) of undisturbed native vegetation for plant species density and diversity for determining revegetation seeding and success criteria using standard sampling techniques.
- b) Prepare site specific methodologies for areas to be reclaimed (e.g. ground preparation, weed control, seeding and planting mixes and methods, a schedule for monitoring and maintenance activities, performance criteria) and contingency plans.
- c) Revegetation shall be completed within two years of completion of surface mining operations within each approved mining area;

The applicant shall provide the above information and plans to the agencies. The applicant shall provide a report discussing the reclamation/revegetation activities implemented during the past year and planned for the next year in the annual mining/monitoring report provided to the agencies. ***Mitigation Measure MRP-1-BIO-22***

Timing: Surveys shall be conducted consistent with U.S. Fish and Wildlife Service requirements prior to Periodic MRP submittal and during appropriate times of the year.

Monitoring: The responsible agencies shall review the adequacy of the plan and field check for its implementation during the annual mine inspection.

TRANSPORTATION

43. Whenever feasible, both operators shall provide incentives to encourage material haulers to pick-up or deposit aggregate materials during non-peak traffic hours (peak hours are considered to be 7:00-9:00 am and 4:00-6:00 pm during weekdays).

Timing: Ongoing throughout the life of the project.

Monitoring: The operators shall inform the agencies as part of each annual mining and reclamation report whether incentives have been established as recommended above.

GROUNDWATER QUALITY/RISK OF UPSET

44. In order to improve safety at the Foxen Canyon Road right-angle turn, warning bumpers shall be installed on Foxen Canyon Road subject to County Public Works Department, Roads Division, review and approval. **Plan Requirements:** The applicant shall prepare a plan

which specifies the location of proposed warning bumpers to be placed on Foxen Canyon Road in the lanes in which traffic would be traveling toward the proposed Kaiser Sand and Gravel pits.

Timing: The plan shall be submitted for review and approval by the Santa Barbara County Roads Division prior to the issuance of the Land Use Permit for the proposed expansion of mining area at the Kaiser Sand and Gravel site. The required bumpers shall be installed prior to the onset of excavation of the Davis and Carranza pits within 250 feet of Foxen Canyon Road.

Monitoring: The Roads Division shall review and approve the plan for the safety bumpers. Installation of the warning bumpers shall be monitored as part of the annual inspections of the Kaiser Sand and Gravel operation required under the Surface Mining and Reclamation Act.

Reclamation Plan Conditions:

45. **Financial Assurance Estimate:** Prior to approval of the first Periodic mining and reclamation compliance plan, the applicant shall provide an estimate of the costs to complete reclamation of all areas disturbed by mining since January 1, 1976 and all areas proposed to be disturbed by mining during the upcoming year and submit it to P&D for review, along with any required fees for P&D/Consultant review. This estimate shall be reviewed and approved by the Public Works Building and Development Division and by the Flood Control District. The estimate shall be calculated and formatted based on the DMG-approved Financial Assurance worksheet. The financial assurance shall assure reclamation of mined lands in accordance with the approved Reclamation Plan. The amount of the financial assurance shall be calculated by the mine operator, a licensed engineer, or other professional experienced in the reclamation of mined lands. This calculation should be based on (1) an analysis of the physical activities necessary to implement the approved reclamation plan as it applies in the upcoming year; (2) the lead agency's (or third party contract) unit costs for each of these activities; (3) the number of units of each of these activities; and (4) an amount to cover contingency costs, (not to exceed 10% of the above calculated reclamation cost) and actual lead agency administrative costs. The calculated amount should not include the cost of mining of the site. Once submitted, the Financial Assurances worksheet will be reviewed by staff, and if necessary, by an P&D approved biologist and geologist (at applicant's expense) to verify the information.
46. **Financial Assurance Review and Approval:** Prior to approval of the first Periodic mining and reclamation compliance plan, the applicant shall post a revised Financial Assurance with the Planning and Development Department and the Department of Conservation to ensure that reclamation will proceed in conformance with the approved plan. The type of Financial Assurance shall be consistent with Section 2773.1 of SMARA. The security for reclamation shall remain in effect until completion of reclamation. The amount of financial assurances required for each year shall be adjusted annually to account for new lands to be disturbed by surface mining operations, inflation, deflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The form, amount, and duration of security shall be subject to review and approval by P&D, County Counsel, and Public Works staff prior to posting the security. Security shall remain in effect through completion of reclamation.

47. **Financial Assurance Term:** Any required financial assurances shall remain in effect for the duration of the surface mining operation, during any periods that the mining operation is idle, and for any additional period after mining operations have ceased, until reclamation is completed in accordance with the approved Reclamation Plan. Prior to release of all or part of the Financial Assurance for reclamation of areas disturbed during the previous mining period, the applicant shall have met all requirements in the approved Reclamation Plan for that area and satisfied all applicable performance standards.
48. **Financial Assurance Forfeiture:** P&D may declare all or part of the security for reclamation forfeited, pursuant to notice to the applicant and a public hearing, if the Planning Commission determines that the mining operation has been abandoned, the operator is financially incapable of carrying out the Reclamation Plan, or any provision of the approved Reclamation Plan is violated as noted in Section 2773.1 (B) of SMARA. No security shall be released until compliance with all applicable conditions of the Reclamation Plan is verified to the satisfaction of P&D and the State Geologist. Upon completion of annual reclamation, Public Works and P&D/Permit Compliance staff shall perform a site inspection to verify that all requirements of the Reclamation Plan have been satisfied for the previous mining period. The operator shall be responsible for the costs of conducting and completing reclamation in accordance with the approved Reclamation Plan which are in excess of the proceeds from the forfeited financial assurances.
49. **Statement of Responsibility and Agreement to Comply:** Prior to final Reclamation Plan approval, the applicant shall execute and record an agreement, subject to P&D approval, to complete the work outlined in the Reclamation Plan within the time limits of said plan and consistent with all requirements of said plan and to comply with all project conditions. This agreement shall bind the applicant and any future owners of the mine. This agreement shall be prepared to conform to the requirements of SMARA Section 2772(j) regarding an applicant statement of responsibility for reclamation. Should the mine operator change over the term of this permit, the new operator shall be required to provide an agreement to comply with project conditions to the satisfaction of the County prior to continuation of any mining and reclamation activities under this permit.
50. **Annual Report:** The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the State geologist and P&D on a date established by the State geologist and upon forms furnished by the State Mining and Geology Board pursuant to Section 2207 (a-g) of the State Public Resources Code.
51. **Annual Inspection:** The Planning and Development Department (P&D) shall conduct an inspection of the mining operation within six months of receipt by the County of the mine operator's report submitted pursuant to Section 2207 of SMARA. In accordance with SMARA §2774, the County will inspect the surface mining operation to determine whether the surface mining operation is in compliance with SMARA. Annual review shall evaluate compliance with the provisions of the Reclamation Plan, determine the adequacy of the financial assurances posted as security for reclamation for the next year, and require the amount of the assurances to be changed as necessary to provide adequate security. The amount of financial assurance required for any one year shall be adjusted annually to account for new lands to be disturbed by mining operations, inflation, reclamation of lands accomplished in accordance with the approved reclamation plan, and areas not successfully reclaimed pursuant to the lead agency approved reclamation plan. The annual inspection may be carried out by the County or its designee. The

County may cause such an inspection to be conducted by a State-registered geologist, State registered civil engineer, state-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months. All inspections shall be conducted using a form provided by the State Mining and Geology Board. The mine operator shall be solely responsible for the reasonable cost of the inspection (per SMARA Section 2774 (b)).

52. **Inspection Cost Reimbursement:** Site inspections to verify ongoing reclamation in conformance with the approved Reclamation Plan shall be scheduled annually. The applicant shall pay the cost of any required annual inspections by P&D and/or Public Works staff, or designated representative, based upon an hourly rate established by the Board of Supervisors, upon receipt of a bill from Santa Barbara County. Failure to pay the inspection fee within sixty days of the due date shall constitute grounds for revocation of the Reclamation Plan by the Planning Commission and cessation of mining operations. Annual inspections shall coincide with follow-up inspections for the DMG Annual Report.
53. **Reclamation Plan Compliance:** If, after conducting the required inspections, P&D or Public Works finds that the Reclamation Plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the Reclamation Plan as specified in Section 2774.1 of the Public Resources Code (SMARA). If at the end of this period of time, the Reclamation Plan is still not being implemented as approved, P&D shall notify the mining operator and the Planning Commission of the continuing failure to comply. P&D shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the Reclamation Plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the Reclamation Plan. Once the Reclamation Plan is revoked all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the plan, P&D shall declare all or part of the Financial Assurance for reclamation forfeited in accordance with the security's provisions and State law. The reclamation plan would be considered null and void, and the County would use the proceeds from the forfeited financial assurances to conduct and complete reclamation in accordance with the approved reclamation plan. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.
54. **Designated Field Representative:** The applicant shall provide P&D with the current name, title, address, and phone number of the applicant's contact person who shall receive all orders and notices as well as all communications regarding matters of condition and code compliance at the permit site. There shall always be such a contact person(s) designated by the applicant. If the address or phone number of the applicant's contact person(s) should change, or a if a new contact person is named, the applicant shall provide P&D with the new information within thirty days.
55. **Reclamation Deadline:** All reclamation shall be completed within twenty-four months of cessation of mining operations (not including periods when the mine is idle as defined by SMARA and an interim management plan has been submitted for County review).
56. **Interim Management Plan for Idle Status:** Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1 of SMARA, the mine operator shall submit an interim management plan to the county for review and approval by the Planning Commission.

The interim management plan shall fully comply with the requirements of SMARA, Section 2770 (h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the approved Reclamation Plan.

57. **Abandonment:** In conformance with SMARA § 2770(h,i), unless review of an interim management plan is pending before the Planning Commission, or an appeal is pending before the Board of Supervisors or the State Mining Board, a surface mining operation which remains idle for over one year (after becoming idle as defined in section 2727.1 SMARA) without obtaining approval of an interim management plan shall be considered abandoned and the operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

58. Compliance with SMARA Performance Standards:

Compliance with the following SMARA Performance Standards has been addressed by project mitigation measures which have been incorporated into this permit as follows (in the event that project mitigation measures, conditions, or the approved project description specifically contradict any provision of these performance standards, the language of the mitigation measures, conditions and project description shall be controlling):

- a) Section 3703 (Wildlife Habitat) – See BIO Mitigation Measures
- b) Section 3704 (Backfilling, Slope Stability) – See HYDRO Mitigation Measures.
- c) Section 3705 (Revegetation) – See BIO Mitigation Measures.
- d) Section 3706 (Drainage & Erosion Control) – See HYDRO Mitigation Measures.
- e) Section 3707 & 3708 (Agriculture) – See AG Mitigation Measures.
- f) Section 3709 (Building Removal) – All existing buildings, structures, and equipment shall be removed from the project site within 24 months of completion of mining. The final Periodic MRP prepared for the project shall include site specific plans to comply with this condition.
- g) Section 3710 (Stream Protection) – See BIO & HYDRO Mitigation Measures
- h) Section 3711 (Top Soil Salvage) – See AG Mitigation Measures.
- i) Section 3712 (Waste Management) – All mine waste shall be managed in accordance with the provisions of this standard.

59. **Payment of Fees:** Prior to final approval of the Reclamation Plan, the applicant shall pay all applicable P&D permit processing fees due up to this point in time in full. These fees shall include any estimated costs associated with forwarding the approved Reclamation Plan to the State DMG. Within 30 days of final approval of the Reclamation Plan, the applicant shall pay all remaining P&D permit processing fees in full.

Project Specific Conditional Use Permit Conditions (from 86-CP-106 & 86-CP-106 AM01 & 86-CP-106 AM02):

60. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of streets.
61. All signs shall comply with Santa Barbara County code Chapter 35 (Sign Regulations).

62. The asphalt plant shall process the sand and gravel mined within the project area except for offsite materials brought to the portable recycling facility. These materials shall consist of asphalt, concrete, and other used construction aggregate materials removed from job sites.
63. The operator shall encourage all offsite trucks hauling dry materials to wet down loads, where feasible, and remove all excess sand and gravel raked from rails and bumpers prior to transport on public roads.
64. Upon completion of the first Periodic MRP, the operator shall install screen trees/shrubs along the entire Foxen Canyon Road frontage and all remaining perimeter areas of the project site except along the river channel and a portion of the western property line. Plantings adjacent to proposed habitat reclamation areas and not abutting any road right-of-way, shall utilize native species consistent with habitat reclamation. The size, type, quantity, spacing and irrigation of said landscaping shall be subject to review and approval by P&D prior to approval of the first Periodic mining plan. This landscaping shall be maintained until site closure in 2021.
65. A single water meter and water level gauge shall be installed at the water source for the site, and total water use and static water level records maintained for water management planning and for public information. Every six months, the water measurements shall be reported to Planning and Development Permit Compliance. The measurements shall be filed by December 1 and July 1 every year.
66. Any water used for the portable recycling facility shall be recycled water from the existing ponds onsite.
67. Hours of operation for the recycling facility shall be as follows: Monday through Saturday, 6:00 am through 2:30 pm.
68. Stockpiles pending recycling, stored within the Carranza Pit, shall not exceed a height of 25 feet and shall not be visible from any existing public or private roads.
69. The portable recycling facility shall not be relocated within the plant site, outside of the Carranza Pit, without prior review and approval by Planning and Development.
70. All mining waste shall be disposed of onsite either in silt ponds, Little Lucy Lake, within the Davis or Carranza Pits, or in any approved levees required to be constructed onsite.
71. During the one time temporary operating period covered by this amended conditional use permit for the temporary asphalt plant, the plant shall operate no more than 140 days within the maximum one year period.
72. Prior to approval of a Land Use Permit for the temporary asphalt plant, the applicant shall submit a fee of \$185.00 for project monitoring.
73. Upon cessation of operations within one year of the commencement of temporary asphalt plant operations, the plant equipment shall be removed and the site restored within sixty days, consistent with the approved conditional use permit conditions and approved reclamation plan in effect.

74. The applicant shall comply with all requirements of the County Fire Department throughout operations. Prior to approval of a Land Use Permit for the temporary asphalt plant, the applicant shall provide to Planning and Development clearance from the Fire Department.
75. The applicant shall comply with all requirements of the County Air Pollution Control District throughout operations.
76. **Coordination with Water Management Agencies:** The permittee will, if asked, cooperate with any potentially affected or interested water management entity, including the Santa Maria Valley Water Conservation District, which is seeking to identify potential groundwater recharge, water quality or other groundwater benefits that may be available within the approved reclamation plan by providing available resource information to the water management agency and by considering proposals to amend or modify the approved plan to achieve such benefits; provided that any proposed amendment or modification is consistent with the Permittee's project purpose and with any applicable environmental standards, including Section 404 of the Clean Water Act and the California and Federal Endangered Species Acts, that Permittee is not obligated to amend or modify its approved plan, and that the Permittee is not responsible for any costs that may be incurred as part of an amendment or modification, including the cost of applying for the amendment or modification and any increased cost of operation, construction, and production.

Standard Conditional Use Permit Conditions:

77. **Land Use Permit Required:** This Conditional Use Permit is not valid until a Land Use Permit for mining has been obtained. Failure to obtain said Land Use Permit shall render this Conditional Use Permit null and void. Prior to the issuance of the Land Use Permit, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the Land Use Permit and prior to review and approval of the first Periodic Mining and Reclamation Plan must be satisfied. The Land Use Permit is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Land Use Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all applicable conditions. A form for such clearance is available in Planning and Development. Upon issuance of the Land Use Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of action by the Board of Supervisors.
78. **Permit Initiation:** Within 18 months after the effective date of this permit the first Periodic MRP shall be submitted by the operator for County review. Within 6 months of County approval of the first Periodic MRP, surface mining operations approved under this permit shall commence. Failure to commence the mining and reclamation pursuant to a valid Land Use Permit shall render the Conditional Use Permit and Reclamation Plan null and void. Interim operations may continue in previously permitted areas pending approval of the Land Use Permit and first Periodic mining and reclamation compliance plan. A plan depicting interim mining and reclamation operations shall be provided to the agencies for review and

approval within 60 days of approval of this conditional use permit. Interim operations shall conform to the approved mining and reclamation plan to the maximum extent feasible. Subsequently, Periodic mining and reclamation compliance plans shall be submitted concurrently with Section 404 permit periodic review for County review and approval. Existing, approved mining operations may continue pending County review and approval of each subsequent MRP provided that such operations remain in compliance with all applicable project conditions. Any determinations made by County staff in connection with review and approval of each periodic MRP may be appealed to the Planning Commission pursuant to Section 35-372.2 of Article III of the Santa Barbara County Zoning Ordinance.

79. **Acceptance of Conditions:** The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
80. **Neighbor Notification:** Prior to issuance of the initial Land Use Permit, and approval of each Periodic MRP plan, the applicant shall provide written approval from all affected property owners within the mining area for the proposed Periodic MRP to Planning and Development. Prior to issuance of the initial Land Use Permit the applicant shall notify in writing, by certified mail in a form approved by the County, all property owners and occupants of parcels within 1000' of the area proposed to be mined in the entire Plan area, that mining is going to commence pursuant to this permit. The notice shall describe hours of operation, future mining plans, land use restrictions, required and recommended setbacks, mining access and transportation routes and any further notifications deemed necessary by the County. Proof of mailing the notices shall be provided to Planning and Development.
81. **Permit Expiration:** This permit shall expire 23 years from the date of initial Land Use Permit approval. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
82. **Time Extensions:** All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time any time extension is approved.
83. **Non-Compliance:** If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-315.10 of Article III of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.

84. **Landscaping in Habitat Basins:** Pits shall be vegetated with a variety of native species to provide freshwater marsh (wetland), willow scrub (riparian), mulefat scrub, and native grassland (*wet meadow*) habitat in different amounts and configurations, as determined by County Planning & Development upon detailed landscape plan review, depending on temporal climatic and groundwater conditions. The slopes of the pit will be seeded with mulefat scrub (seed mix specified in Reclamation Plan) to provide habitat for wildlife species adapted to drier conditions such as badger and coast horned lizard. Deeper areas will be left in the bottoms to provide pools and emergent freshwater marsh vegetation during wet cycles for waterbirds and amphibians such as California red-legged frog and spadefoot toad. Observations on the site indicate areas of exposed shallow water become revegetated rapidly by cattails and bulrushes through natural succession. If this does not occur, rootstocks of bulrushes and other freshwater marsh species can be planted as a contingency based on the findings of the periodic review. Higher areas in the bottoms will be seeded with native grasses (using a County approved seed mix) to provide wet or moist meadows for ground nesting birds and foraging raptors including white tailed kites and northern harrier. Clusters of willow cuttings will be planted at various locations and elevations along the bottoms and lower slopes of the pits. These will provide dense willow scrub vegetation for neo-tropical migrating songbirds. By varying topography and vegetative treatments, a diverse mosaic of valuable wildlife habitats will be provided. Detailed landscape plans implementing these requirements shall be provided for each pit prior to approval of the first periodic MRP. Plantings shall conform to all applicable SMARA performance standards pertaining to revegetation and wildlife habitat. All plans shall be subject to the review and approval of Planning & Development prior to approval of the first periodic MRP.

COUNTY RULES & REGULATIONS/LEGAL REQUIREMENTS

85. **Compliance with Departmental Condition Letters:**

- a. Air Pollution Control District dated 6/2/87, 12/20/93
- b. Public Works dated 7/23/87
- c. Environmental Health Services dated 8/7/87, 8/22/97
- d. Flood Control dated 4/15/87

86. **Emergency Repairs:** In the event of an emergency resulting in an imminent hazard to public health and safety (such as levee failure, slope failure, plant equipment failure), the operator shall take whatever immediate measures are deemed prudent and necessary to avoid or eliminate said hazard. Said measures shall be carried out in consultation with the County Flood Control District or other applicable County Agency when possible. Should emergency action be required when consultation with County Agencies cannot take place (i.e. weekends, holidays), the operator shall notify the County Flood Control District and all other applicable agencies on the next business day following the emergency action and shall obtain any necessary emergency permits for said actions as required by the County. Said emergency permits may approve, modify or

rescind any emergency action taken by the operator if determined to be necessary by the County to protect public health and safety and maintain consistency with project conditions.

87. **Permit Compliance:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after mining and reclamation is complete. To accomplish this the applicant agrees to:

- a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b) Contact P&D compliance staff at least two weeks prior to commencement of mining and reclamation activities upon approval of each Periodic mining and reclamation compliance plan to schedule an on-site meeting with the owner, compliance staff, other agency personnel and with key personnel to review mining and reclamation requirements for the upcoming periodic MRP.
- c) Pay fees prior to issuance of Land Use Permit as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

Indemnity and Separation Clauses:

88. The mine operator shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the conditional use permit and reclamation plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

89. In the event that the applicant challenges the approval by the Planning Commission and/or board of Supervisors of any condition on the project in an action filed in a court of law, which action is brought within the time period provided for by law, the approval of this project by the Planning Commission and/or Board of Supervisors shall be suspended pending dismissal or final resolution of such action. If any condition of approval of this project is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed in the County's discretion.

90. **Coordination with the Army Corps of Engineers Section 404 Permit:** In the event that there is any conflict between the conditions in this permit and the conditions in any permit issued for this project by the Army Corps of Engineers, or any provision of an permit or agreement with the State Department of Fish and Game, the most restrictive provisions shall govern as determined by County Planning & Development. However, the interval for submittal of the periodic MRP's for in-channel mining areas referred to in conditions throughout this permit shall coincide with the periodic review period of any permits issued by the Army Corps of Engineers (or at least every 5 years). Periodic MRP's for off-channel mining areas shall be submitted with every other periodic MRP for in-channel mining areas (or at least every 10 years, whichever is more frequent). The operator shall cooperate with any reasonable requests for information by the County between periodic MRP plan approvals. Each periodic MRP shall be submitted to the State Division of Mines and Geology, Office of Mine Reclamation for review concurrently with County review pursuant to SMARA Section 2774 (c-d).

Albert J. McCurdy
Deputy Director, Development Review Division
For JOHN PATTON, DIRECTOR

Date

xc : Minute Book (original copy)
Case File: 86-CP-106 RV01 & 86-RP-006 RV01
Permanent File
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
County Surveyor
Deputy County Counsel: Paula Frantz
Owner/Agent: Steve Zacks, Kaiser Sand and Gravel, Inc. 3555 Vineyard Ave, Oxnard, CA 93030
County Chief Appraiser
Planner: Greg Fuz, Brian Baca
Permit Compliance North: Analise Merlo