



Staff Report to the Planning Commission

Application Numbers:
95-0836 & 90-0370

Applicant: Graniterock
Owner: Graniterock
APN: 072-262-03; 072-262-04; 072-421-07; 073-011-05; 073-011-12; 073-011-13; 073-071-49

Agenda Date: October 10, 2007
Agenda Item #: 8
Time: After 9:00 a.m.

Project Description: Five-Year Permit Review for compliance with conditions of approval of Mining Approval and Certificate of Compliance 95-0836 and 90-0370 for the Quail Hollow Quarry.

Location: 405 Quail Hollow Road

Supervisory District: Fifth District (District Supervisor: Mark Stone)

Permits Required: None (Five-Year Permit Review only)

Staff Recommendation:

- Accept and File the Five-Year Permit Review for the Graniterock Quail Hollow Quarry;
- Approve the CEQA notice of exemption for the Permit Review.

Exhibits

- | | | | |
|----|--|----|----------------------------|
| A. | 95-0836 Permit Review | D. | Assessor's parcel map |
| B. | 90-0370 Conditions of Approval | E. | Zoning & General Plan maps |
| C. | Categorical Exemption (CEQA determination) | F. | Comments & Correspondence |

Introduction

Condition II.G of Mining Approval 95-0836 for Quail Hollow Quarry requires that the Planning Commission periodically review this permit for compliance with conditions of approval. Section 16.54.074 of the County Mining Regulations states that new conditions shall not be imposed as part of a review process unless there is a:

- a) Threat to public health and safety;
- b) Significant injurious threat to the environment;

County of Santa Cruz Planning Department
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- c) Nuisance;
- d) Violation of approval conditions;
- e) Change in the scope of operations; or,
- f) The ordinance in effect at the time of the Mining Approval, Certificate of Compliance or Reclamation Plan Approval being reviewed was originally approved, or the Approval itself, authorized imposition of new conditions by the County."

The following analysis and discussion address the compliance review and includes a brief history of the permit process and issues currently affecting the quarry.

History

The Quail Hollow Quarry property is located on Quail Hollow Road near the community of Ben Lomond and encompasses a total area of approximately 240 acres. Mining operations consist of excavating, washing, classifying and shipping of sand. Mined sand is screened and washed in the sand plant to produce a variety of sand products. The Quail Hollow Quarry is unique among sand quarries in Santa Cruz County in that one of their products is fine, industrial grade sand used in the production of glass. The glass sand is dried on site in a large drier before shipment in covered trucks to glass manufacturers. Mining is ongoing and is likely to continue for decades.

In 1998 the Planning Commission certified an EIR for the project and approved the Mining Approval and Certificate of Compliance (COC). This allows mining of the site and provides for protection, enhancement, and management of conservation lands surrounding the mining area. The 1998 Approval was the culmination of a lengthy process to resolve litigation between the County and Graniterock Company, as well as other parties that successfully intervened in the litigation, including the Sierra Club, the California Native Plant Society, and the South Ridge Watershed Association.

The approved mining plan and reclamation plan, as well as a specific set of conditions of approval, address potential hazards and other adverse effects that may occur as a result of the mining operation. County staff inspects the mine for compliance on a quarterly basis. The operator is also required to prepare and submit comprehensive annual reports to the County. Approximately every five years, the Planning Commission performs a Permit Review for compliance with approval conditions. This is the first such Permit Review for the Quail Hollow Quarry since the 1998 approval.

In accordance with the mining regulations, a financial assurance made payable to the County and the California Department of Conservation has been submitted by the quarry operator to ensure that adequate reclamation is performed in accordance with the approved Reclamation Plan. The financial assurance is reviewed each year by the County and adjusted, as needed, to account for current conditions. When the County is satisfied that the Quarry has completed reclamation pursuant to the approved Reclamation Plan, the Financial Assurance will be released.

Currently the reclamation plan for the Quail Hollow Quarry designates the end use as open space. If uses other than open space are proposed, an amendment to the Reclamation Plan would be required, as well as other applicable permits and approvals. In addition, any future development proposal would be subject **to** Environmental Review according to provisions of the California Environmental Quality Act and County of Santa Cruz Environmental Review Guidelines.

Permit Review

There are actually two Approvals for the Quail Hollow Quarry and two corresponding sets of conditions of approval. The two approvals are 90-0370 ("Current Mining Area"), which was approved in 1994, and 95-0836 ("Future Mining Area"), which was approved in 1998. However, 95-0836 is the primary set of Conditions of Approval because it is the most recent. To avoid redundancy, a complete review of permit compliance is included in Exhibit A for 95-0836 with review comments enclosed in boxes. Any additional relevant comments related to 90-0370 are included in the appropriate box in Exhibit A.

Based on a comprehensive review of the mining permits, staff **concludes** that the quarry is in substantial compliance with the Conditions of Approval of 90-0370 and 95-0836. Some of the more important issues evaluated in the complete permit review are discussed below.

Surface Drainage

Drainage control at the mine is designed to direct all surface runoff within the mine to a series of ponds. While all ponds collect storm water in the winter, a subset is used to recycle sand plant wash water whereby mud and silt is settled out resulting in cleaner water for reuse in processing operations. Use of recycled water and collected storm water reduces reliance on groundwater to operate the sand plant.

The capacity of the pond system exceeds the standards in the County Mining Regulations and has the capacity to retain the process water and storm water runoff within the mine site in all except extreme rainfall events. The discharge permit from the Regional Water Quality Control Board (RWQCB) authorizes discharge under these conditions. To accommodate extreme events, the pond system includes provisions for controlled overflow discharge to either Azalea Dell Creek or down the entrance driveway to Quail Hollow Road. Short-term overflow discharges have occurred in February 1998, December 2002 and December 2005 during periods of sustained heavy rainfall. In compliance with the discharge permit for the mine, these events were reported to the RWQCB. The pond system nearly overflowed again in early 2006 and Graniterock prepared for this contingency by renting a large capacity pump and filter system to treat excess water before overflowing the ponds. The ponds are dredged as

needed to maintain capacity, and large capacity pumps are utilized to manage storm water and reduce the potential for storm overflow.

A discharge to Azalea Dell occurred in January 2005, which was not the result of heavy rainfall, but involved an unauthorized drain from the truck scale. The issue was resolved by plugging the drain and payment of a fine.

Groundwater Protection

Graniterock conducts required groundwater monitoring activities, which includes measuring water levels through a series of on site wells, and measurements of spring flow. A qualified hydrologist retained by the quarry prepares an annual hydrologic data review. All of these reviews have concluded that the Quarry is not having adverse effects on groundwater levels or spring flows. The recent reviews conclude that water levels in the site monitoring wells reflect regional hydrogeological conditions (primarily precipitation and SLWWD groundwater pumping). However, based on peak groundwater elevation measurements it appears there is a threat to the required 20-foot separation between the approved final mining contour and the peak water table elevation. Accordingly, timely actions have been taken to limit excavation depth in order to preserve the minimum 20-foot separation to groundwater beneath the active excavation and the final mining contour. The approved mining plans allow excavation down to 515 feet, but Planning Department staff has informed Graniterock to limit excavation to no lower than 531 feet. Although not required, Graniterock monitors groundwater quality and the data indicate that groundwater quality is good and is not negatively affected by site operations.

Air quality was a significant issue in the EIR and was studied in detail with respect to PMIO emissions. PMIO is a term used to describe small dust particles (less than 10 microns in diameter) or "fine particulate matter". PMIO standards are set for the 24-hour average concentration and the annual average concentration due to both short-term and long-term concern for particulate-based health effects.

The initial air quality analysis modeled a production rate of 350,000 tons per year and results indicated that State standards for PMIO emissions on a 24-hour basis would be exceeded. Further analysis indicated that a reduction in production to 250,000 tons per year and improved emission controls would reduce quarry emissions to a level that would meet the State 24-hour standard for PM10.

Cumulative impacts are determined by combining quarry emission levels with background levels. The EIR concluded that, with improved emission controls and production limited to 250,000 tons per year, quarry emissions combined with existing high background levels continued to exceed the State 24-hour standard resulting in a significant unavoidable cumulative air quality impact. Citing the small contribution of the

quarry to cumulative air pollution and the benefits of the project, the Planning Commission adopted a Statement of Overriding Consideration for this impact when the project was approved.

The results of the air quality analysis in the EIR using a production rate of 350,000 tons per year indicated that quarry emissions, and quarry emissions combined with background levels (cumulative emissions), would not exceed State annual standards for PM10 exposure. Since project approval the State has adopted a standard for annual exposure to PM10 that is more restrictive than the standard in effect at the time of project approval. It appears that, based on an extrapolation of the analysis in the EIR that showed substantial reductions of quarry emissions as a result of the production limit and new emissions control equipment, and the results of ongoing air quality testing, that the existing quarry operation meets the more restrictive State standard for annual exposure to PM10 on both a direct and cumulative basis.

In compliance with the conditions of approval Graniterock has limited production to no more than 250,000 tons per year and has installed new emission control equipment. Graniterock may not increase production until it is demonstrated that increased production levels above 250,000 tons per year will not exceed the State 24-hour standard for PM10 emissions. Graniterock implements other mitigation measures, including best management practices, maintenance of emission control equipment and annual air quality testing. The results of annual air testing consistently indicate low levels of PM10, well below 24-hour and annual standards.

The chart below summarizes the air quality section of the EIR:

PM10 State Standard category	Production Tons per year	Direct quarry emissions	Cumulative emissions (Quarry plus Background)
24-Hour	1350,000	Exceeds State standard at the property line; Meets State standard at nearest sensitive receptor (house)	Exceeds State standard at property line and nearest sensitive receptor. Statement of Overriding Consideration
	250,000 with new emission controls	Meets State standard at property line	Exceeds State standard at property line and nearest sensitive receptor. Statement of Overriding Consideration
Annual	350,000	Meets State standard in effect at time of approval	Meets State standard in effect at time of approval
	250,000 with new emission controls	Meets stricter State standard	Meets stricter State standard

Traffic

Traffic was another significant issue in the EIR. The EIR considered truck routes, trucker education, site distance, rail-haul feasibility and intersection level of service in evaluation of the traffic impacts. A Transportation Management Plan (TMP) was developed, which requires Graniterock to restrict truck traffic between 7:00 a.m. and 9:00 a.m. and to cease shipments at 3:00 p.m. The TMP evaluated the safety of existing and increased truck traffic over the Quail Hollow Road Bridge and at the intersection of Quail Hollow and East Zayante roads. The TMP determined that the level of increased truck traffic attributable to the project is not likely to result in the potential for an increase in motor vehicle accidents; therefore, no improvements were required at the bridge or the intersection. A rail haul feasibility study demonstrated that shipping by rail was not economically feasible. Shipping by rail is required if production exceeds 350,000 tons per year. Production has never exceeded 250,000 tons per year and the County has not required an updated rail haul feasibility study. Graniterock maintains an ongoing trucker education program and has improved site distance and safety at the quarry entrance.

Quail Hollow Quarry is located in the Santa Cruz Sandhills, which is an extremely rare and sensitive habitat containing several federally endangered plant and insect species.

As outlined in the 1994 legal Stipulation, which resolved the litigation between the County, Graniterock and the Interveners, Graniterock prepared a Habitat Conservation Plan (HCP) to provide measures to minimize and mitigate adverse effects on the "plan species" covered in the HCP. Based on the HCP the United States Fish and Wildlife Service (FWS) issued a federal permit to Graniterock authorizing take (by capture, kill, injure, harm, harass) of the endangered Mount Hermon June beetle, Zayante band-winged grasshopper, Ben Lomond wallflower, and Ben Lomond spineflower incidental to otherwise lawful activities associated with sand mining operations and with implementation of mitigation measures described in the HCP. In addition, the California Department of Fish and Game (DFG) issued a permit to Graniterock for the incidental take of Ben Lomond Wallflower as required under the California Endangered Species Act. An Implementing Agreement between the County, FWS, DFG and Graniterock establishes the roles and responsibilities of the parties implementing the HCP.

The HCP incorporates the pertinent elements of the 1994 Stipulation and details a Mitigation Program including: habitat protection, management and enhancement; revegetation of mined slopes, and; monitoring and reporting.

Accordingly, the County of Santa Cruz purchased the 34.8-acre South Ridge and Graniterock granted conservation easements in perpetuity to the County of Santa Cruz for the 11.1-acre North Ridge Habitat Set-aside and the 21.1-acre West Ridge Habitat Set-aside. In addition, Graniterock protected in perpetuity in the form of a Declaration of Restriction all other areas of Graniterock's property, other than the mining areas, collectively known as the 48.3-acre Protected Area. In short, the 220-acre site consists of the mining areas, which cover approximately 105 acres, and "conservation areas", including the Habitat Set Asides and the Protected Area, which cover approximately 115 acres.

Graniterock is required to enhance a total of 5.0 acres of sand parkland habitat and 5.2 acres of maritime chaparral habitat. An Enhancement Plan has been completed, which identifies areas within the conservation areas that have been damaged by recreational use and appropriate enhancement actions such as clean up, erosion control, planting, signage, fencing and patrol. While Graniterock has implemented a number of these actions and some monitoring of enhancements sites has occurred, formal monitoring and reporting to determine success of enhancement treatments, and compliance with the enhancement requirements, is needed.

Currently, Graniterock provides funding for monitoring of the Plan Species in the Conservation Areas by qualified independent experts to assess the effectiveness of the mitigation program. The plan insect species and the plan plant species are monitored separately in alternating years. The monitoring reports are sent to the Planning Department, FWS and DFG. Specific monitoring requirements are detailed in the HCP for the different Plan Species.

The monitoring reports for the plan insect species generally conclude that fluctuations in population estimates are probably within the normal range of year-to-year variation,

but additional years of monitoring are needed to confirm this. The most recent report does note the invasion of habitat for the Zayante band-winged grasshopper by exotic plants, particularly European annual grasses and forbs.

The most recent monitoring report for the plant species concludes that apparent declines in populations of plant species is cause for concern. The report suggests that habitat conditions might be deteriorating due to the invasion and spread of exotic plant species or other anthropogenic factors such as recreation and fire suppression. As a result, the report recommends modification of current monitoring efforts combined with implementation of habitat management within the conservation areas to include simple techniques to reduce the distribution and abundance of the European annual grasses and forbs. This would improve habitat conditions for the Zayante band winged grasshopper, as well. It should be noted that this would constitute implementation of adaptive management as described in the draft Long Term Management and Maintenance Plan, which is further discussed below.

As mining progresses, depleted areas are revegetated. In accordance with the HCP, the goal of the 1997 Revegetation Plan is to establish a self-sustaining plant community consisting of native indigenous species including the four special status species. Revegetation efforts are consistent with the plan, and annual monitoring reports documenting steady progress are submitted with the quarry annual report. Revegetation is a very difficult task because of the lack of nutrients in the sand and the steep slopes. The revegetation specialist, with the support of Graniterock, has addressed these harsh conditions with innovative techniques to improve revegetation success. As with other sand quarries, revegetation activities at Quail Hollow Quarry will continue long after the sand resource is depleted.

Pursuant to the HCP, the conservation areas have been closed to public access. Graniterock communicates with adjacent property owners, patrols the site and maintains fencing and signs to prevent illegal trespass. As part of a required outreach program to inform community members about the biological resources and restrictions, Graniterock has provided funding to the Sandhills Alliance for Natural Diversity (SAND) for conducting educational workshops, creating sandhills brochures, leading sandhills hikes and creation and maintenance of a sandhills website (<http://www.santacruzsandhills.com/>). In addition, Graniterock hosted a well-attended public workshop to solicit feedback on the Long Term Management and Maintenance Plan.

Long Term Management and Maintenance Plan

In order to fully implement the conservation program in the HCP, Graniterock is required to manage and maintain the conservation areas and the reclaimed areas of the mine in perpetuity. Development of a Long Term Management and Maintenance Plan (LTMMP) has been in the works for a number of years. During this time Graniterock has worked with a Steering Committee, consisting of representative of FWS, DFG, a team of local experts, consultants and Planning Department staff to

develop an appropriate plan for a very challenging site. The Steering Committee conducted one public meeting to introduce interested citizens to the LTMMP process and solicit comments and questions. The purpose of the LTMMP is to implement the conservation goals of the HCP by describing management and maintenance activities that will be undertaken. The LTMMP essentially represents the end use plan for the mine.

A first draft LTMMP was completed in October 2003 and second draft was completed in March 2005. Planning Department staff has provided review comments on the plan to Graniterock, FWS and DFG. However, after extensive involvement as active members of the Steering Committee, the FWS and DFG have never provided comments of any kind on the draft plan. Nevertheless, Graniterock is in the process of completing a final LTMMP in anticipation of fully funding and implementing the plan in 2008. As noted above, the current draft LTMMP was developed with extensive involvement and input from FWS and DFG, a team of local species experts, consultants, Planning Department staff, the Intervenor and the public. The history of development of the draft LTMMP and the conservative adaptive management approach embodied in the plan provides a high level of confidence that finalizing the LTMMP and fully implementing it is an appropriate course of action at this time. Planning Department staff has encouraged Graniterock to take this approach.

In addition to the current monitoring of plan species, the LTMMP calls for a more comprehensive monitoring program to include, invasive species mapping, vegetation community mapping and plan plant species mapping. The LTMMP monitoring program includes an adaptive and research-oriented approach that will allow management to be refined and improved as new information is obtained. Because of the lack of information on the management plan species it is appropriate to test management techniques in an effort to both avoid harmful effects and further the conservation of the Plan Species. Management techniques proposed in this adaptive management plan and intended to mimic the beneficial effects of natural disturbance (primarily fire) include: remove leaf litter, selectively remove shrubs, control exotic species, control erosion, and plant and/or thin ponderosa pines.

Similar to current practice, LTMMP monitoring reports will be submitted to a technical advisory panel consisting of representatives of the FWS, DFG, Planning Department, and one or more species experts. The LTMMP envisions substantial involvement from these agencies and experts to evaluate the results of monitoring and research and assist Graniterock, or a future land manager, in adaptive management of the property in perpetuity. In the unfortunate situation where FWS and DFG are not able to actively participate due to lack of staff resources, the Planning Department and local species experts will fulfill the role of the technical advisory panel.

During mining, all of the required monitoring and maintenance has been, and will be, funded by Graniterock. An endowment fund has been established by Graniterock to fund the LTMMP after mining and in perpetuity. An endowment agreement, which still must be signed by the Planning Department, the FWS and DFG, provides for periodic

reevaluation of the principle amount to ensure endowment proceeds are adequate to fund the LTMMMP in perpetuity. The endowment fund is separate from the financial assurance mechanism, which is executed for an amount considered adequate to conduct and complete reclamation on the mined lands in accordance with the approved reclamation plan.

Public Access

Entitlement documents applicable to the public access issue include, the Stipulation, COC, Take Permit, HCP, Implementing Agreement (IA), Conservation Easements, Declaration of Restriction and South Ridge Deed. In these documents public access is clearly and consistently prohibited on the South Ridge property and in the West Ridge and North Ridge Habitat Set-asides. Conditional public access to a single trail across the South Ridge and in the Protected Area is mentioned in some of these documents and has, therefore, been the subject of some debate. In all cases, however, these documents prohibit public access detrimental to the sensitive species or habitats on the South Ridge or in the Protected Area.

Prior to **1998**, uncontrolled access had damaged sensitive habitats and contributed to increased erosion. In **1998**, Graniterock fenced the outer perimeter of the site and suspended public access to comply with habitat protection requirements of the entitlement documents. Some unauthorized access continues to occur.

The LTMMMP contains a public access component, which is limited to the Protected Area. The South Ridge trail option is not included because of the extremely sensitive and rare habitat for the Zayante band-winged grasshopper on the South Ridge. Public access in the LTMMMP is defined to mean a trail users group open to all members of the public, but will be limited as needed to control the amount of use on the access route. The LTMMMP does not identify a trail location, but instead provides a mechanism for its future identification, construction, and use. One of the end points of the access route should be through the entrance road of the quarry, leading users to and from Quail Hollow County Park. The route will require access through an adjacent property, and the location of the route should be determined when a willing private or public landowner is identified.

Open House

In response to direction from your Commission, staff encouraged Graniterock to arrange a neighborhood meeting prior to the scheduled Permit Review public hearing. An open house at the Quail Hollow Quarry was held on Friday, August 17th from 3:30 p.m. to 6 p.m. An announcement was mailed to approximately 700 property owners within a 1.5-mile radius of the quarry. The announcement contained the following statement provided by County staff: As part of a periodic review of the mining permit for Quail Hollow Quarry a representative of the Santa Cruz County Planning Department will attend in order to solicit comments from neighbors and answer questions regarding the ongoing mining operation and the permit review process.

Approximately fifteen (15) neighbors attended the event. Although the consensus seemed to be that the mining operation is generally acceptable, some concerns were expressed regarding lack of access for equestrians, truck traffic at the Quail Hollow Road Bridge and the intersection with East Zayante Road, and air quality. Responses to those concerns are provided in the appropriate sections of this staff report.

Conclusion

Based on a comprehensive review of the mining permits, staff concludes that the quarry is in substantial compliance with the Conditions of Approval of 95-0836 and 90-0370. Surface drainage is well controlled and the mining operation is protective of groundwater quantity and quality. The mining operation is in compliance with conditions of approval and standards regarding air quality, noise and traffic. Revegetation is ongoing in depleted areas of the mine. Much has been accomplished to protect the conservation areas and another major step will be taken in 2008 with the full funding and implementation of the LTMMP for management and maintenance of the conservation areas and reclaimed areas of the mine in perpetuity.

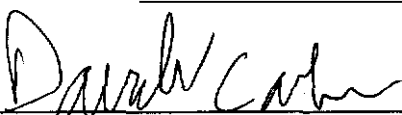
Staff Recommendation

- Accept and File the Five-Year Permit Review for the Graniterock Quail Hollow Quarry;
- Approve the CEQA notice of exemption for the Permit Review


Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Permit Review
Quail Hollow Quarry
Mining Approval and Certificate of Compliance 95-0836
(as amended and approved by Planning Commission on 6/11/1998)

I. EXHIBITS

All mining operations shall conform to the following Exhibits, which are incorporated as conditions of this Mining Approval/Certificate of Compliance ("Approval"), except as modified by specific conditions set forth below:

- A. Proposed Future Mining Area and Operations Plan for the Quail Hollow Quarry, prepared by, Robert L. DeWitt & Associates, dated May 27, 1998 (sheet C2 of 10).
- B. Mining Plan for the Future Mining Area of the Quail Hollow Quarry prepared by, Robert L. DeWitt & Associates, dated May 27, 1998 (sheets C3, C4, and C5 of 10).
- C. Drainage and Erosion Control Plan for the Existing and Proposed Future Mining Area, Quail Hollow Quarry, prepared by, Robert L. DeWitt & Associates, dated May 27, 1998 (sheets C6 and C7 of 10).
- D. Final Contour and Drainage Plan for the Quail Hollow Quarry prepared by Robert L. DeWitt & Associates, dated May 27, 1998 (sheet C8 of 10)
- E. Existing Facilities Map, Quail Hollow Quarry, prepared by, Robert L. DeWitt & Associates, dated May 27, 1998 (sheet 9 of 10) .
- F. Revegetation Plan for the Quail Hollow Quarry, prepared by Greening Associates, dated November 1997.
- G. Habitat Conservation Plan for the Quail Hollow Quarry, prepared by US. Fish and Wildlife Service, draft dated May 1998.
- H. Waiver and Indemnification Agreement, to be executed by Graniterock Company and the County of Santa Cruz.
- I. Stipulation for Entry of Final Judgment and Final Judgment in Santa Cruz County Superior Court Case No. 113495, filed June 24, 1994 ("Stipulation for Entry of Final Judgment").
- J. Transportation Management Plan, prepared by Wilbur Smith Associates dated March 27, 1997.

- K. Draft EIR prepared by Thomas Reid Associates, dated December 1997 and Final EIR prepared by Thomas Reid Associates, including the Mitigation Monitoring Program, dated May 27, 1998.
- L. Agreement of Purchase and Sale for South Ridge of Quail Hollow Quarry, June 29, 1994.
- M. West Ridge Conservation Agreement
- N. Endangered Species Agreement
- O. 1993 EIR, Prepared by Stephanie Strelow

All exhibits are on file with the County's Planning Department and are available for viewing, and are hereby made part of the administrative record for the proposed project.

If there is any conflict or ambiguity raised by differences among said exhibits, or between the Stipulation for Entry of Final Judgment and these Conditions of Approval, the Stipulation for Entry of Final Judgment shall prevail, unless otherwise specified.

All exhibits are on file with the County's Planning Department.

II. GENERAL PROVISIONS

- A. This Approval issued pursuant to Application No. 95-0836 and the Current Mining Approval issued pursuant to Application No. 90-0370 shall constitute the sole and exclusive permits or approvals authorizing mining facilities and operations at the Quail Hollow Quarry ("Quarry") and shall be binding on the owner, and all future owners, lessees, and operators of the Quarry.

Graniterock is the owner and operator. Any additional relevant comments related to 90-0370 are included in the appropriate box.

- B. This Approval is limited to a portion of the following County Assessor Parcel Numbers: 072-262-03; 072-262-04; 072-421-07; 073-011-05; 073-011-06; 073-011-12; 073-071-16. For specific areas of mining and reclamation within the boundaries of these parcel numbers, refer to above listed Exhibits.

These parcels are consistent with the parcels listed on 90-0370. In 1996 APN 072-262-18 was changed to 072-421-07. To accommodate the purchase of the South Ridge by the County in 1998 APN's 073-071-16 and 073-011-06 were adjusted, effective September 1, 1998. The new parcel numbers are 073-011-13 and 073-071-49.

- C. This Approval is for the extraction, processing, storage, and shipping of sand resources obtained from the Quarry site in accordance with the conditions herein and for reclamation of existing, proposed and previously mined lands as shown in the approved Reclamation Plan. This approval shall be valid and effective

only upon concurrent transfer of the title to the South Ridge of the Quarry to the County of Santa Cruz or its assignee, the delivery to the County of signed conservation easement for the West Ridge, and an executed agreement to protect in perpetuity from any and all disturbance all areas of the Quarry site (other than in the Current Mining Area and Future Mining Area, the stockpile area and the overburden area, and the mining access road) which contain federally or State listed species, or County defined rare, endangered, or threatened species or sensitive habitats, all consistent with Exhibit A.

Transfer of title to the South Ridge occurred on September 1, 1998. The signed conservation easement for the West Ridge and Declaration of Restriction for the Protected Area were filed with the County Recorder on September 1, 1998.

- D. An application for a Minor Variation to the Approval meeting the standards of County Code Section 18.10.134 and requested by the mine owner, operator or Planning staff which does not change the general concept of use and operation, and which does not adversely affect the environment, may be approved in writing by the Planning Director, following review and recommendation by the County's Environmental Coordinator. Upon receipt of an application for a Minor Variation, the Planning Director shall provide written notice of such application to each member of the Board of Supervisors, each Planning Commissioner and to anyone who has filed a request for such notice.

In accordance with this condition, approval of a Minor Amendment to 90-0370 to construct pond G-1 was granted in 1997. There have been no Minor Variations since approval of 95-0836 in 1998

- E. Within 45-days from the date of issuance of this Approval, Graniterock Company shall sign, date and return two copies of the Approval to indicate acceptance and agreement with the conditions thereof. By signing the Approval, Graniterock Company agrees to file a Declaration with the County Recorder binding itself and each and any future owners, lessees or operators to the revegetation and reclamation requirements of this Approval. The Declaration form shall be supplied by the Planning Director and shall be filed for recordation within 90 days of Approval issuance. Failure to sign the Approval as described above shall render this Approval null and void as it pertains to mining in the Future Mining Area as shown on the Mining Plan (Exhibit B) and all mining operations shall cease in the Future Mining Area except reclamation and revegetation work in accordance with the above listed exhibits.

Graniterock signed the Approval and Declaration on August 15th, 1998 and the Declaration was recorded September 1, 1998.

- F. All mining and reclamation activities shall conform with these conditions of approval and with the regulations, permits, orders and inspections of the agencies listed below as they apply to the mining operations. The mining owner

or operator shall provide the County with copies of any permits issued by these agencies and any permit amendments, within 30 days of receipt.

1. Central Coast Regional Water Quality Control Board
2. Monterey Bay Unified Air Pollution Control District
3. California Department of Fish and Game (CDFG)
4. Fish and Wildlife Service of the US Department of the Interior (USFWS)

In compliance. See sections on air and water quality, and sensitive habitat.
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- G. This Approval shall be reviewed by the Planning Commission within five years from the date of commencement of mining hereunder. In connection with such review, the Planning Commission shall take public testimony and shall otherwise investigate the permittee's compliance with the conditions of the Approval, and shall be empowered to amend the conditions of this Approval if there is a threat to public health and safety, a significant injurious threat to the environment, a nuisance, or a violation of permit conditions. In addition to the required five-year review, the annual reports submitted by the Quarry pursuant to Condition II.H. shall be placed on the Planning Commission's consent agenda with a recommendation from the Planning Director that the Commission accept and file the annual report of Quarry operations.

This is the first review of the Approval.

- H. In conjunction with the annual report to the State Department of Conservation required by the Surface Mining and Reclamation Act ("SMARA"), the mining owner or operator shall submit a report to the Planning Director by April 1 of each year starting with the first April more than 6 months after commencement of mining hereunder ("Annual Report"). The Annual Report shall be prepared by the mining owner or operator or other professional determined by the Planning Director as qualified to prepare such report. If the Planning Director determines the need for an independent consultant with specialized expertise, the mining owner or operator shall obtain such consultant. All costs of such Annual Report and its review shall be paid by the mining owner or operator. The Annual Report shall be available for public review, and shall include the following, unless waived or modified in writing by the Planning Director:

1. A report on the owner's and operator's compliance with all Conditions of Approval, including the required monitoring program.
2. An analysis of any significant changes in environmental conditions or in the mining operation since the last report which have not been anticipated in this Approval.
3. A current aerial photograph of the entire site (1"=200' scale) showing: facilities, stripped areas, and revegetated and reclaimed areas, together

with a report on the extent of excavation and reclamation completed in the previous year and projected for the coming year.

4. Every fifth year, a current photogrammetric topographical map prepared from current aerial photographs (1"=200' scale with a 10 foot contour interval) showing all the requirements of Condition II.H.3.
5. A revegetation report prepared by a botanist, horticulturist or plant ecologist retained by the mining owner or operator and approved by the Planning Director. The revegetation report shall describe the degree of success in achieving the objectives of the revegetation plan, and shall identify any changes since the last report or additional measures, which may facilitate achievement of the desired results.
6. Written verification of the renewal and/or validity of the financial assurance.
7. A report to be held as proprietary information in accordance with the County's Mining Regulations, stating the annual amounts of production and shipping of mining products, and the estimated time to complete mining in the area currently being mined under this Approval.
 - a. Monitoring logs for all wells, piezometers and springs (if any) for the entire year, and analysis thereof, as described in Condition III.C.2.
9. A noise report prepared by a qualified noise/acoustical consultant retained by the mining owner or operator and approved by the Planning Director. Each noise report shall determine whether the mining operation is in compliance with noise standards contained in the County Mining Regulations, to wit, no higher than 60 dBA for more than 15 minutes per hour at or beyond the currently existing Quarry property boundary. The noise report shall investigate and make recommendations regarding (relative to noise mitigations): (i) any mining equipment used at the mining site; (ii) proposed and existing noise protection; (iii) any other significant noise impact resulting from mining operations. The mining owner and operator shall implement all recommendations of the noise consultant determined to be necessary by the Planning Director for compliance with the conditions of this Approval.
10. An air quality report, prepared by a qualified consultant, including appropriate testing and monitoring in conformance with Conditions III.F.10 and III.F.11 to determine the effectiveness of mitigation measures.
11. A report by a Certified Engineering Geologist shall be submitted with the Annual Report following the completion of mining within each of the mining phases regarding the stability of final slopes.

Graniterock has been submitting annual reports since they once again became the operators of the quarry in 1997 following the termination of the lease with Santa Cruz Aggregates. The annual reports have been consistently submitted in a timely manner and have included the information listed above that is required to be addressed.

- I. If at any time the Planning Director determines that there is substantial non-compliance with any of these conditions, and/or Exhibits, the Planning Director shall forward a recommendation to the Planning Commission to set a hearing to consider revocation of all applicable Approvals in accordance with provisions of County Code Section 18.10.136.

This remedy has not been necessary.

- J. The owner or operator of the Quarry shall within 30 days after billing, pay the actual and reasonable costs for the County's inspections and review of the Annual Report and other reports submitted by the Quarry.

In compliance.

- K. All mining operations shall be in compliance with SMARA and all provisions of County Code Chapter 16.54, except as modified herein.

This Permit Review addresses compliance with SMARA and County Mining Regulations and the modifications herein.

- L. In the event that future County inspections of the subject property disclose non-compliance with any Condition of this Approval or any violation of the County Code in effect as of the date this Approval is issued, the owner and/or operator shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including revocation of this Approval. Nothing herein shall preclude imposition of future conditions based on future regulations limited to protection of the public health or safety or to avoid a nuisance.

In compliance.

- M. Within 90 days of approval of this Mining Approval, a revised Financial Assurance proposal shall be submitted to the Planning Director for review pursuant to Section 16.54.061 of the County Code. Once the Financial Assurance proposal is approved, Graniterock Company shall post a security payable pursuant to the requirements of SMARA and the County Mining Ordinance.

Graniterock has provided the required financial assurance in the current amount of \$1,182,853.00.

- N. Prior to issuance of this Mining Approval/Certificate and to any disturbance in the Future Mining Area, Graniterock Company shall obtain an amended Section 10 (a)(1) permit from the USFWS and an amended 2081 permit from the CDFG to allow for incidental take of federally and State listed endangered species which exist on the site.

Graniterock obtained the required permits from the USFWS and CDFG effective August 31, 1998

- O. Within 30 days of issuance of this Approval, the owner and operator shall sign and record the waiver and indemnification agreement incorporated as Exhibit G of this Approval. Failure to sign and record this agreement as described above shall render this Approval null and void.

Graniterock signed the agreement on August 15, 1998.

- P. All terms and conditions of the 1994 Stipulation for Entry of Final Judgment (Stipulation), Exhibit I, are hereby made conditions of this Approval, unless such terms and conditions conflict with this Approval, in which case Exhibit I prevails, unless otherwise specified.

No conflicts are noted.

- Q. At the time Graniterock Company receives authorization from the County to commence mining in the Future Mining Area it shall grant to the County a conservation easement in perpetuity for the 21.1-acre West Ridge. Graniterock Company will also sell to the County of Santa Cruz the 32.6 acre South Ridge which the County is legally entitled and committed to purchase at the agreed upon fair market value. This Approval shall become valid and effective only upon the concurrent transfer of title to the South Ridge consistent with Paragraph 4 of the 1994 Stipulation for Entry of Final Judgment. (BIO-1, Source: 1998 EIR)

Transfer of title to the South Ridge occurred on September 1, 1998. The signed conservation easement for the West Ridge and Declaration of Restriction for the Protected Area were filed with the County Recorder on September 1, 1998.

- R. Graniterock Company shall provide for protection and long-term management of the 21.1-acre West Ridge and shall provide funding for long-term management of the 32.6-acre South Ridge. (BIO-2, Source: 1998 EIR)

As required by the County, CDFG and USFWS Graniterock has prepared a draft Long Term Management and Maintenance Plan dated March 2005 for the entire site, including the West Ridge, South Ridge and North Ridge Conservation Easement areas, the Protected Areas and Revegetation Areas (mining areas). Graniterock is in the

process of completing a final LTMMMP in anticipation of fully funding and implementing the plan in 2008. Graniterock has established an endowment **to** provide for long-term funding of the LTMMMP. The amount of the endowment will be adjusted based on the final LTMMMP and required periodic review of the endowment. Required steps have been taken to provide protection of the conservation areas. These steps include: fencing, signage and patrol to prevent public access. Some monitoring of the conservation areas has occurred. The final LTMMMP is nearly **complete** and will be fully implemented in 2008 resulting in expanded monitoring, adaptive management and maintenance of the conservation areas and reclaimed areas of the mine in perpetuity.

- S. Within 90 days of issuance of this Mining Approval/**Certificate** of Compliance, Graniterock Company shall provide an endowment to be held by the County, which will generate revenue, on an annual basis, adequate to fund the monitoring and reporting requirements contained in the Habitat Conservation Plan. The amount of the endowment shall be approved **in** advance by the USFWS.

Graniterock has established an endowment to provide for long-term funding of the LTMMMP. The amount of the endowment will be adjusted based on the final LTMMMP and required periodic review of the endowment in the future.

- T. Graniterock Company shall enhance and permanently protect an additional 3 acres of disturbed Sand Parkland habitat and 5.2 acres of disturbed maritime chaparral habitat. Graniterock shall also specify a long-term management and maintenance program for the enhancement areas to assure long-term survival. A program for the enhancement areas of the Sand Parkland and maritime chaparral habitats shall be implemented when Graniterock receives authorization to commence mining in the Future Mining Area and shall be in an area satisfactory to the County, the USFWS, and CDFG and shall provide for protection and long term management of these 8.2 acres (5.2 and 3 acres as described above). (BIO-3, Source: 1998 EIR)

The 8.2 acres of enhancement is required as mitigation for impacts associated with the Future Mining Area (95-0836). Combining the 8.2-acre requirement with the requirement to enhance 2 acres of sand parkland as mitigation for impacts associated with mining in the Areas B and C (90-0370) brings the total enhancement requirement to 10.2 acres. Graniterock has prepared an Enhancement Plan dated June 2007, and has implemented a program for enhancement as described in the plan. All of the identified enhancement sites are located within the conservation areas of the Quail Hollow Quarry site. The Enhancement Plan provides a report **on** the status of enhancement sites identified in the plan. Additional monitoring **is** needed to determine if success criteria are met at the enhancement sites and whether the 10.2-acre requirement is met.

- U. Prior to or concurrent with issuance of this Approval/**Certificate** of Compliance, and pursuant to paragraph 7 of the Stipulation For Entry of Final Judgment, and

the Habitat Conservation Plan, Graniterock Company shall provide written agreement to protect in perpetuity from any and all disturbance all areas of the project site (except for areas within the Future and Current Mining areas, overburden and stockpile areas, and existing access road) containing the federally listed species, State listed species, and County defined rare, endangered, or threatened species and sensitive habitats ("Covered Species"), (BIO-4, Source: 7998 EIR)

The signed Declaration of Restriction for the Protected Area was filed with the County Recorder on September 1, 1998.

- V. Graniterock Company shall implement the approved Revegetation Plan and all provisions of the HCP for the Quarry, which address the Future mining area for the reestablishment of the "Covered Species." (BIO-5, Source: 1998 EIR)

Graniterock is implementing the Revegetation Plan in the mining area concurrent with mining activities. Graniterock has taken the required steps to implement all provisions of the HCP, however, the completion of the LTMMMP and related measures are taking longer than expected.

- W. Within 90 days of Approval, Graniterock Company shall file a complete application (and diligently pursue approval of such application) for an amendment to this Approval Certificate of Compliance to Mining Approval No 90-0370 to allow the Reclamation Plan for the Future **Mining** Area to apply to both the Current and Future mining areas.

Completed.

- X. Certain of the conditions contained herein may have been completed and/or compliance may have already occurred. Within 30 days **of** the approval **of** this permit, staff shall notify the applicant in writing of which conditions have been completed. A copy of this letter will be included in the first Annual Report to the Planning Commission.

Completed.

- Y The Intervenor to the lawsuit filed by Graniterock Company, namely representatives of the Sierra Club, California Native Plant Society, and the South Ridge Watershed Association, shall be notified in writing of any request for Minor Variations to this Mining Approval Certificate of Compliance. The Intervenor is listed in Exhibit I to this Approval.

There have been no Minor Variations to this permit.

III. OPERATING REQUIREMENTS

A. Mining

1. Prior to any disturbance in the Future Mining Area, **the** Reclamation Plan approved by the County shall specify all recontouring and revegetation efforts and shall be phased to commence immediately upon completion of quarrying activities in any given area or sub area, as required **by** SMARA, the County's Mining Regulations, and subparagraph 8(g) of the Stipulation for Entry of Final Judgment.

In compliance per Greening Associates, November 1997, Revegetation Plan, page 15. See Exhibit I.F.

2. All mining activities, including clearing, excavation or other disturbance, shall maintain a setback from the property lines **as** shown in the Exhibits of this Approval. The setback shall be measured from the property boundary lines on a horizontal plane.

In compliance.

3. Prior to excavating, clearing, or otherwise disturbing the land within 200 feet of the property line, the mining owner or operator shall provide survey markers at 200-foot intervals to indicate the location of the property line. The markers shall be maintained until a clear work face has been established.

In compliance.

4. The total cumulative annual rate of mining in the Current and Future Mining Areas and the average annual sand truck and employee round trips shall not exceed the following limits, which are set forth in subparagraph 8(g) of the Stipulation for Entry of Final Judgment (Exhibit I):

		Trucks (Daily Avg)	Trucks (Daily Cap)	Employee (Daily Avg)	Employee (Daily Cap)
Approval to 1/1 2000:	300,000 tons*	50	60	36	43
1/1 2000 to 1/1 2005:	325,000 tons	54	65	39	47
Beyond 1/1 2005:	350,000 tons	58	70	42	50
Beyond 1/1 2005:	450,000 tons provided that at least 45% of annual tonnage is shipped by rail and that the County approves a Mining Approval Amendment for such rail shipping. Shipping by rail means that truck traffic for portion shipped by rail limited to 6:00 a.m. to 7:00 a.m. and 9:00 a.m. to 2:00 p.m. on authorized days of operation. Further, trucks permitted to travel to rail shipping transfer point off of East Zayante Road by exiting from Quarry along Quail Hollow Road, turning right on East Zayante Road and traveling approximately one-quarter mile toward Felton. Graniterock Company shall also assure that a minimum of 60 percent of sand truck trips related to its mining operations shall occur between hours of 6:00 a.m. to 7:00 a.m. and 9:00 a.m. to 2:00 p.m. on authorized days of operation.				

*Current operations shall not exceed 250,000 tons/year pursuant to the requirements of Condition III.E.13 below.

The mining method shall be consistent with the existing mining operation, utilizing a dozer, loader and conveyor belt. Other mining methods, such as hydraulic mining or use of a scraper, shall not be used unless an amendment to this Approval is obtained.

Operations have not exceeded 250,000 tons per year. The mining method has remained consistent utilizing a dozer, loader and conveyor belt.

5. Prior to removal of vegetation such as nesting **trees** or shrubs during the migratory bird-nesting season (April through June), the Quarry operator shall have the area proposed for vegetation removal inspected by a qualified biologist, familiar with migratory birds. Said survey shall be forwarded to the Planning Director prior to ~~vegetation~~ removal. In the event that the survey proves positive, a 300-foot buffer zone shall be

established and visually marked in the field around the nest site. No grading or other disturbance shall occur during the months of April through July, or **after** the nestlings have fledged, whichever occurs sooner. (BIO-11, Source: 1998 EIR)

Vegetation removal has not occurred outside migratory bird nesting season.

6. All exterior lights at the Quarry shall be shielded **to** focus illumination into specific work or security areas. Direct light focused toward habitat set asides is prohibited. White spectrum light bulbs shall be replaced with sodium vapor lights, or either yellow, red or green incandescent lights to reduce impacts on endangered beetles. Outside **lights** shall be on timers, seasonally adjusted to come on after 10:00 p.m. **PDT** during June and July, and to turn off at or before 4:00 a.m. PST during November. Lights shall not be placed within 20 feet of sediment ponds. (BIO-6, Source: 1998 EIR)

Lighting at the quarry is limited to the immediate sand plant and office area and is not used at night, **except** in emergency situations such as severe winter storms.

B. Surface Drainage

1. Drainage improvements shall be designed by a **qualified** professional, and provide for the effective dispersal of runoff. Discharge areas must be protected from scour with some type of energy dissipater and positive drainage shall be maintained away from the base of **all** cut slopes. (Mit. #5, Source: 1993 EIR)

In compliance per Exhibit I.C., Sheets C-6 and C-7 of 10 and by inspection.

2. Roads shall be graded so that positive drainage is always maintained towards a specific catchment basin or silt pond. Under no circumstances shall standing water be allowed to accumulate at the top of steep slopes. A Road Grading and Drainage Plan shall be submitted 120 days prior to any disturbance in the Future Mining Area and all road grading and drainage control work shall be completed prior **to** such disturbance. (Mit. #9, Source: 1993 EIR)

In compliance per Exhibit I.C., Sheets C-6 and C-7 of 10 and by inspection.

3. Discharge into Azalea Dell Creek is prohibited. **A** continuous monitoring device or monitoring by an independent laboratory below catchment basin "F" may be required if a discharge occurs. If any discharge occurs, the Planning Director shall determine whether any remedial actions are needed and the operator shall carry out all remedial actions specified. (Mit. #12, Source: 1993 EIR)

Based on the conclusion that the ponds have sufficient capacity, discharge into Azalea Dell Creek is prohibited. However, as shown during the winters of 1998, 2002 and 2005, the ponds do not have sufficient capacity to prevent discharge under extreme climatic conditions. The discharge permit from the Regional Water Quality Control Board (RWQCB) authorizes discharge under these conditions. After the 1998 discharge the overflow pipe to Azalea Dell was plugged. As a result the discharges in 2002 and 2005 flowed down the quarry entrance road to Quail Hollow Road. The language in the Stipulation and the Conditions of Approval prohibiting discharge to Azalea Dell were the reasons cited by Graniterock for this action. The quarry operator has reportedly sampled each of the discharges.

In addition, in early 2005 County staff discovered an unauthorized non-storm water discharge into Azalea Dell. The source was a gravity drain from the truck scale, which also received process water from the sand plant. The drain has been plugged and the issue was finally resolved with a payment of \$15,577 into the Santa Cruz County Fish & Game Commission account. See staff report for further explanation.

4. inspections after major storms by County staff or an independent consultant approved by the County shall be carried out to ensure that the drainage system is functioning properly. (Mit. #13, Source: 1993 EIR)

In compliance.

5. Following the cessation of mining, and prior to implementation of the final site uses, the site shall be inspected annually by a qualified consultant retained by the Quarry to ensure that the drainage system (i.e. Final Pond and erosion control measures associated with the Final Contour Plan) is functioning properly and that pond capacity is being maintained. The results of each inspection shall be submitted to the Planning Director in writing. Annual inspections shall occur for at least five years following the cessation of mining. If, at the end of this five-year period, no final site use has been implemented and reports have shown that the drainage system has functioned adequately and without the need for intensive maintenance, the Planning Director may conduct inspections and reporting at reasonable intervals or upon receipt of a complaint. Notwithstanding the frequency of inspections and reporting, the property owner shall take all necessary steps to ensure that the drainage system is functioning and properly maintained until such time as final site land uses are implemented. (Mit #5, Source: 1993 EIR) (HYD-2, Source: 1998 EIR)

Mining has not ceased.

6. At least three years prior to the cessation of the mining operations, which are the subject of this Approval, a final revised drainage plan shall be prepared by a qualified engineer or hydrologist and submitted to the

County for review and approval. The drainage plan shall include measures that restore the natural drainage pattern, promote groundwater infiltration, and reduce sediment movement. A series of broad swaled benches and berms or other similar method may be used which achieve the following goals: Prevent concentrated flows over mining faces; eliminate concentrated flows in other areas; and develop dispersed runoff patterns which promote groundwater infiltration. Upon approval of this final drainage plan, necessary drainage improvements of this final drainage plan, necessary drainage improvements shall be constructed to coincide with the completion of mining where feasible, but in no case greater than one year following cessation of mining operations. Documentation of compliance in the form of an engineer's report shall be submitted within 90 days of implementation. (Mit. #16, Source: 1993 EIR)

This condition has not been triggered. If current mining operations continue uninterrupted, the approved mining plan will require several decades to complete. Although a final drainage plan is not required until at least three years prior to the cessation of the mining operations, which is decades in the future, the final quarry floor elevation is being established now. Therefore, Planning Department staff and Graniterock have begun discussion regarding the final drainage plan and the issue of groundwater separation beneath the final pond, or ponds.

7. The ponds and basins shall be dredged as needed to maintain adequate storage capacity as shown on the drainage plan. (Mit. #14, Source: 1993 EIR) A report by the Quarry's civil engineer shall be prepared verifying basin capacities. This report is due by September 15 of each year and shall be submitted to the Planning Director for review and approval. (HYD-1, Source: 1998 EIR)

In compliance. See comments under Condition III.B.3 for further discussion of pond storage capacity.

C. Groundwater Protection

1. A 20-foot separation shall be maintained between any final mining contour in the Future Mining Area and the peak groundwater table elevation shown by groundwater monitoring activities specified in this Approval. In no event shall the mining contour go below 515 feet above mean sea level in perpetuity. (Mit. #17, Source: 1993 EIR) A 20-foot separation shall also be maintained between the bottom elevation of the Final Pond and the water table elevation. Peak groundwater elevation shall be determined from monitoring well data over the life of the Quarry. To comply with County Code Section 16.54.050(c)(3)(iii), in no event shall the pond be constructed below 498 feet above mean sea level as the location of the Final Pond is shown on Exhibit D. (HYD-3, Source: 1998 EIR)

The 20-foot separation is being maintained in the Future Mining Area. See comments on Condition III.C.3 below regarding 20-foot separation during and at the completion of mining.

2. The following groundwater monitoring activities shall be carried out and the results submitted to the Planning Department for review on a monthly basis. The mining owner, operator or other professional reasonably determined by the Planning Director as qualified to conduct such monitoring shall conduct or supervise the monitoring program to the reasonable satisfaction of a qualified hydrologist retained or employed by the County Planning Director at the expense of the owner or operator of the Quarry (hereinafter "County Hydrologist").
 - a. Monthly water table monitoring shall continue in order to observe seasonal and long-term water table fluctuations, to improve the peak water table elevation estimates, and to better characterize recharge rates using the existing piezometers and the other wells available. (Mit. #18, Source: 1993 EIR)

In compliance.

- b. Two new monitoring wells of sufficient depth to monitor the water table in the locations and at the depth shown on Exhibit A. shall be drilled (Mit. #18, Source: 1993 EIR)

Graniterock drilled two monitoring wells (**MW-7** and MW-8) in May, 1996 (Woodward Clyde, "Groundwater Impact Analysis, Quail Hollow Quarry, Felton, C A, September, 1996, page 2-1).

- c. The owner or operator of the Quarry shall obtain permission from a property owner for monitoring at least one down-gradient spring. The spring(s) shall be monitored on a monthly basis. (Mit.18, Source: 1993 EIR)

In compliance.

3. During the first three years of mining in the Future Mining Area, the monthly water levels and spring discharge data shall be reviewed every six months by a qualified hydrologist retained by the Quarry. If, at the end of the three-year review period, data show that the Quarry is not having adverse effects on groundwater levels or spring flows, data shall be reviewed annually thereafter. The purpose of both the semi- annual and annual reviews is to assess whether changes to water table levels and spring discharges have occurred that are not readily attributable to fluctuations in precipitation or if there is a threat to the required separation between the final mining contour and the peak water table elevation.

Either occurrence will require immediate investigation by a qualified hydrologist to the satisfaction of the County Hydrologist in order to determine whether mining is the cause of the changes and whether actions are needed to limit or cease mining operations in order to protect groundwater resources. Any determination by the Planning Director to require such an investigation and a report of the results of any such investigation shall be placed on the Planning Commission consent agenda. (Mit. #18, Source: 1993 EIR)

Between 1997 and 2001 monthly water levels and spring discharge data were reviewed every six months by a qualified hydrologist retained by the Quarry. In 2001 a qualified hydrologist completed a summary review of hydrogeologic data for the site. And in 2002 and 2006 a qualified hydrologist completed an annual data review. All of these reviews have concluded that the Quarry is not having adverse effects on groundwater levels or spring flows. The recent reviews conclude that water levels in site monitoring wells reflect regional hydrogeological conditions, primarily precipitation and SLVWD groundwater pumping. However, based on peak groundwater elevation measurements it appears there is a threat to the required separation between the approved final mining contour and the peak water table elevation. Accordingly, timely actions have been taken to limit excavation depth in order to preserve the minimum 20-foot separation to groundwater beneath the active excavation and the final mining contour. Whereas the approved mining plans allow excavation down to 515 feet, Planning Department staff has informed Graniterock to limit excavation to no lower than 531 feet.

At the request of the County, Graniterock has additionally addressed the issue of groundwater quality in the 2001 data review and 2002 and 2006 annual reports and has continued to collect groundwater quality data. As a result, it appears that groundwater quality is good and has not been impacted by site operations.

4. Additional monitoring sites may be required if the County's hydrologist, based upon substantial evidence, finds they are warranted. (Mit. #18, Source: 1993 *EIR*)

Additional monitoring sites have been discussed. However, based on the conservative action to limit excavation based on peak groundwater level measurements in existing wells, an additional monitoring well is not required at this time.

5. Prior to any disturbance in the Future Mining Area, the Reclamation Plan shall show that areas in which no further mining activity is planned are to be reclaimed immediately to restore groundwater recharge capabilities at the quarry site. (Mit #19, Source: 1993 EIR)

In compliance, see III.A.I above.

6. Fine-grained overburden and wash water sediments shall be stockpiled in such a way as to be retrievable for specialized uses during reclamation,

such as berm construction, and not spread over the site during reclamation efforts. Excess fine-grained materials may have to be duly and properly removed from the site to prevent stockpiled areas from expanding. (Mit. #20, Source: 1993 EIR)

In compliance.

7. All fuel shall be stored in compliance with County and State regulations regarding fuel storage. Concrete containment basins shall be placed around filling stations in order to contain spills or leaks. (Mit. #21, Source: 1993 EIR)

In compliance.

8. In the event that a final decision of the Superior Court (after appeal if any) concludes that mining at the Quail Hollow Quarry has caused any adjacent spring or well currently used as a domestic water supply to be inadequate or unfit for such use, the owner or operator of the Quarry shall bear the full cost of providing a replacement source of domestic water for all users of such spring or well and indemnify and hold harmless any property owner dependent on such well or spring with respect to a replacement source of domestic water.

Such an event has not occurred. Based on monitoring of the spring immediately downstream of the site there is no indication that spring flow quantity or quality has been affected by site operations.

D. Erosion Control Measures

1. Prior to any disturbance in the Future Mining Area, the Drainage and Erosion Control Plan shall show to the satisfaction of the County's Civil Engineer or Geologist grading and placement of berms in the areas of the inactive quarry site in order to control gully erosion problems. All necessary work shall be completed within one year of this Approval. (Mit. #1, Source: 1993 EIR)

In compliance, requirements shown on Exhibit I.C., Sheets C-6 and C-7 of 10.

2. The top of mined slopes shall be finished and contoured in order to prevent concentrated runoff from flowing down the face of the slope. Activities above the mined slopes that would result in runoff being directed toward the mining face or concentration of runoff down the mined slopes, shall not be permitted, such as grading of roads that slope toward the mine face and installation of culvert outlets which discharge on slopes toward the mine face. The work face shall be graded to control surface water flow. The Final Drainage and Erosion Control Plan shall, prior to

any disturbance in the Future Mining Area, reflect this requirement. (Mit. #4, Source: 1993 EIR) (GEO-1, Source: 1998 EIR)

In compliance, requirements shown on Exhibit I.C., Sheets C-6 and C-7 of 10.

3. Prior to any disturbance in the Future Mining Area, the Drainage and Erosion Control Plan shall reflect the planting of levee slopes with riparian-type vegetation unless vegetation has already been successfully established. (Mit. #7, Source: 1993 EIR)

In compliance. Shown on Page 21 of Greening Associates, Revegetation Plan, Condition completed.

4. Dredged and loose material shall be stored in a manner to prevent siltation into ponds, which could cause blockage of culverts with consequent erosion/siltation problems through placement of silt fences or filter cloth at edges of unvegetated stockpiles to confine sediments. (Mit. #8, Source: 1993 EIR) (GEO-3, Source: 1998 EIR)

In compliance.

5. Fencing of the existing and proposed active mining area is required to bar trail bike and equestrian access. The Quarry shall maintain all fences and continue to implement a trespass enforcement program. (Mit. #10, Source: 1993 EIR)

In compliance.

6. The erosion control measures specified in the 1997 Revegetation Plan for the Quail Hollow Quarry shall be implemented in all unmined disturbed areas of the Quarry. These measures include, but are not limited to: hydraulic application of surface stabilizing compounds, hydroseeding, mulching, use of erosion control blankets, placement of straw wattles, willow cuttings, and equivalent or better methods that may be developed during the life of the quarry operation. (GEO-2, Source: 1998 EIR)

Erosion control measures are implemented as specified in the plan and as needed in the field.

E. Air Quality

1. All material shipped for glass production shall be transported in covered trucks (Mit. #41, Source: 1993 EIR). All material shipped shall be transported in accordance with state regulations. (AIR-2, Source: 1998 EIR)

All material shipped for glass production is transported in covered trucks.

2. Unpaved quarry roads shall be paved or watered by a water truck. Water shall be applied frequently so that loose material at the surface is at 2% moisture content or higher. (Mit. #42, Source: 1993 EIR) Trucks leaving the scale house shall be sprayed with water using an automated spray bar. (AIR-3, Source: 1998 EIR) The Quarry shall implement a formal program providing information and education for employees to recognize 2% moisture content.

A water truck applies water to unpaved quarry roads. Employees are trained to recognize **2%** moisture content. Trucks leaving the scale are watered with an automatic spray bar.

3. Unless unpaved quarry roads are watered as specified in condition III.E.2. above, such roads shall be sprayed with lignin sulfonate as needed to help bond fines on road surfaces. Other similar chemical treatment, which does not have adverse effects on groundwater quality, may be used upon approval by the Planning Director. (Mit. #43, Source: 1993 EIR)

Water is the only treatment for quarry roads.

4. The intake valves of settling ponds shall be screened with filter fabric material **to** encourage the pumping of less turbid water. **As** an alternative, the intake valve may be raised to eliminate the pumping from the lower area of the pond, where the suspended solids are greatest. (Mit. #46, Source 1993 EIR)

Intakes in ponds are floating; therefore, only water from the highest area of the ponds is taken.

5. Use of front loaders for moving mined sand from the work face or mining floor to the mining pit is not permitted unless the traveling surface is wet or the mined sand deposits are broken into small increments to expose moist subsurface materials. (Mit. #46, Source: 1993 EIR)

In compliance.

6. Processing equipment shall be improved through modification of scrubbers to give better fine particulate control, screening of transfer points, ducting the nearest scrubber, and increasing airflow through the screens, if the latter is feasible. See also, Condition III.E.13 below. (Mit. #47, Source: 1993 EIR)

In compliance with this condition both Santa Cruz Aggregates and Graniterock have made emission control improvements to the processing equipment, including scrubbers,

ducting, screens and transfer points. See 1997 Annual Report, including letters by Santa Cruz Aggregates and Graniterock dated January 19, 1994 and April 29, 1997 respectively. In addition, in 1996 the dryer, including the dryer shell, was replaced. In 2000 Graniterock further improved emission controls at the sand plant by installing a new baghouse and a new truck loadout dust collection system.

7. All equipment and processing facilities shall be maintained in accordance with APCD standards for stationary sources. (Mit. #48, Source 1993 EIR)

The MBUAPCD has issued a Permit to Operate an emergency generator and a Permit to Operate the specific components of the sand plant, including the dryer, material handling, storage and truck loadout. These permits must be renewed each year and include a number of additional operating conditions, including record keeping, regular equipment testing and reporting to the district to ensure that air quality standards are met.

8. Revegetation in accordance with the approved Reclamation and Revegetation Plan shall be initiated as soon as practical in order to minimize fugitive dust. Revegetation of previously disturbed areas that are not proposed for additional mining under this Approval shall commence prior to mining. (Mit. #49, Source: 1993 EIR) (AIR-5, Source: 1998 EIR)

In compliance. It should be noted that revegetation is a critical measure to control emissions of fugitive dust from mined areas.

9. Within one year from the date of commencement of mining in the Future Mining Area, a source-by-source assessment of air pollution control efficiency is required to establish a revised emission inventory and set performance standards so that sources can be routinely tested. Such assessment shall be carried out by a qualified air quality professional retained by the Quarry. The results of the assessment shall be submitted to the County for review. (Mit. #50, Source: 1993 EIR)

In accordance with Mitigation # 50 of the 1993 EIR, in 1995 Condor Earth Technologies completed a report titled Santa Cruz Aggregates Air Pollution Control Efficiency Source-by-Source Emission Assessment. This assessment considered equipment sources based on an annual production rate of 120,000 tons per year and did not consider wind emissions from disturbed acreage. The air quality evaluation in the 1998 EIR adapted the 1995 assessment to an annual production rate of 350,000 tons per year and included additional estimates of emissions from disturbed acreage. Following the 1998 EIR, the 1999 annual report includes a source-by-source visual determination of emissions completed by Graniterock staff who is certified by the California Air Resource Board as a Visible Emission Evaluator.

10. During the first year following the preparation of the revised emission inventory, the Quarry shall conduct quarterly on-site air testing to determine the effectiveness of pollution control measures. Such testing shall be similar to the on-site testing conducted by Thomas Reid Associates as part of its Air Quality Study dated January 1993. Following the first year, air testing shall be done annually during periods of high production and periods of high wind. The air testing shall be done by a qualified professional and shall be summarized in a written report to the County. The consultant shall make appropriate recommendations for additional air pollution control measures needed to achieve the emission reductions projected in the project EIR. Upon review and approval by the Planning Director, the recommendations of the air quality consultant and their implementation will become conditions of this Approval.

A series of additional air pollution control measures were implemented as a result of the 1993 EIR and the 1995 emission inventory, including improvements to scrubbers, ducting, screens and transfer points. In 1995, following the emission inventory, Condor Earth Technologies completed additional air monitoring. In 1996 and 1997 additional air sampling data was collected for preparation of the 1998 EIR. As a result, the 1998 EIR limits production levels to 250,000 tons per year, requires glass (dry) sand trucks to be covered, adequate watering of unpaved roads and curtailment of mining during high winds. Additional air pollution control measures on the sand plant are not required until production levels exceed 250,000 tons per year, which has not occurred (Condition III.E.13). Quarterly air monitoring reports were completed in 1998, 1999 and 2000 and the results consistently indicate low levels of PM₁₀, well below 24-hour and annual standards. In 2000 Graniterock further improved emission controls at the sand plant by installing a new baghouse and a new truck loadout dust collection system. Results of annual air monitoring in 2001 remained consistent with the quarterly monitoring in previous years. No additional air pollution control measures are required at this time; however, Graniterock shall continue the required annual air testing during periods of high production and periods of high wind.

11. When state or federal health risk standards for exposure to airborne crystalline silica are adopted, or in the event that the state adopts standards for exposure to PM-10 which are more restrictive than those in effect at the time of the adoption of the Future Mining Approval, this aspect of the permit shall be reviewed at a public hearing before the Planning Commission within twelve months after the adoption of such standards to review the most current air testing report from the Quarry, as required under Condition III.E.10, for the sole purpose of determining whether the mining operations at the Quarry constitute a threat to public health and safety and, if so, what additional conditions, if any, are appropriate to reduce such threat to acceptable levels.

State or federal health risk standards for exposure to airborne crystalline silica have not been adopted. The State has adopted standards for annual exposure to PM-10 that

are more restrictive than those in effect at the time of the adoption of the Future Mining Approval.

The proposed project (350,000 tons per year) evaluated in the 1998 EIR would violate the State 24-hour standard ($50 \mu\text{g}/\text{m}^3$) on an individual basis at the property boundary, but would not violate this standard at the nearest sensitive receptor. The proposed project would; however, violate the 24-hour standard at the nearest sensitive receptor on a cumulative basis, which adds in background levels. Implementation of mitigation measures, including a production cap of 250,000 tons per year, ensure that the 24-hour standard is not exceeded on an individual basis at the property boundary. However, even after implementation of the mitigation measures the 24-hour standard would be exceeded on a cumulative basis.

The 1998 EIR found that a 350,000 tons per year project would not violate State annual standards ($30 \mu\text{g}/\text{m}^3$) on either an individual or cumulative basis. The State annual standard is now stricter, dropping to $20 \mu\text{g}/\text{m}^3$. Based on a review of the Air Quality evaluation in the 1998 EIR it appears that the proposed project (350,000 tons per year) would not violate the new State annual standard on an individual bases, but would exceed the new standard on a cumulative basis. The 1998 EIR notes that improved equipment and emissions controls, such as a conventional bag house filtration system, could reduce plant stack emissions by 90%, which would reduce overall emissions by one half. In addition, the EIR includes an analysis of a reduced project (250,000 tons per year) indicating that the potential for off-site exceedance is substantially reduced at this lower production rate. Because Graniterock did install a new baghouse and a new truck loadout dust collection system in 2000 and annual production is limited to 250,000 tons per year, it is reasonable to conclude that the existing operation would not violate the new State annual standard on an individual or cumulative basis. Quarterly and annual air monitoring completed in 1998, 1999, 2000, 2001 and 2006 consistently indicate low levels of PM₁₀. Continued annual air quality testing is required to check the effectiveness of emission control measures in the future.

12. The Annual Report shall include a summary of assessments and air quality testing conducted during the year to determine the effectiveness of the dust suppression measures and mitigations. (Mit. #50, Source: 1993 EIR)

Air monitoring testing in 1998, 1999, 2000, 2001 and 2006, including a 1999 source-by-source visual assessment of air pollution control efficiency, indicate that dust suppression measures and mitigations are effective.

13. Production levels shall not exceed 250,000 tons/year until the processing plant equipment has been replaced with new equipment or new control devices that would reduce emissions and demonstrate that increased production levels above 250,000 tons/year will not individually exceed the State maximum 24-hour standard offsite. (AIR-I, Source: 1998 EIR)

Production levels have not exceeded 250,000 tons per year. In order to demonstrate that increased production levels above 250,000 tons/year will not individually exceed the State maximum 24-hour standard offsite a new dispersion model is needed using an updated emission inventory and meteorological data. If emissions reductions sufficient to allow a production increase have already been achieved through installation of the new baghouse and truck loadout dust collection systems the updated dispersion model will confirm this. A qualified consultant should complete the dispersion model.

14. Mining in the active benches during periods of high wind conditions shall be prohibited to reduce fugitive emissions. (AIR-4, Source: 1998 EIR)

Graniterock reports that they are in compliance with this condition.

F. Reclamation Measures

1. Prior to any disturbance in the Future Mining Area, the Reclamation Plan shall:
 - a) Combine the Reclamation Plan with all pre-existing Reclamation Plans and Revegetation Plans to show all previously mined areas not presently used or planned for mining. (Mit. #3, Source: 1993 EIR)
 - b) Show a time/monitoring schedule and measures to verify the success of the hydromulching. (Mit. #3, Source: 1993 EIR)
 - c) Show maintenance provisions for specific areas, such as erosion and drainage control, including overburden piles and previously mined areas. (Mit. #3, Source: 1993 EIR)
 - d) Show that all recontouring work shall be performed to the satisfaction of the County's Civil Engineer or Geologist. (Mit. #3, Source: 1993 EIR)

All previously mined areas not presently used or planned for mining are combined in the mining plans, Exhibits A through E, and in the revegetation plan, Exhibit F. The mining plans indicate appropriate recontouring, and erosion and drainage controls. The revegetation plan includes specifications, monitoring and success criteria for hydromulching.

G. Traffic

1. Truck shipment from the Quarry shall be limited to the existing route along East Zayante and Mount Hermon Road and between the hours of 6:00 a.m. and 3:00 p.m., Monday through Friday, except for emergency

situations with prior notification given to the Planning Director. (Mit. #52) (TRF-1, Source: 1998 EIR) The change in hours of shipping specified herein shall expressly supersede Condition II.H of the Current Mining Approval (App. No. 90-0370).

In compliance.

2. The Quarry shall establish an Awareness Program to ensure that drivers follow the hauling restrictions. Specifically, the Quarry shall: 1) Distribute a flyer to all truck drivers regarding the time restrictions and other requirements for hauling to and from the Quail Hollow Quarry; 2) Post restrictions and requirements at the dispatch station; and 3) Maintain an active informational program for the shippers and drivers regarding speed limits and use of the right hand lane of northbound Highway 17 between 6:00 a.m. and 9:00 a.m. on weekdays. (TRF-2, Source: 1998 EIR)

A Trucker Awareness Program has been established. The flyer is distributed to all drivers, including new drivers, and is posted at the dispatch station.

3. Round trips by sand trucks and employees and the timing thereof shall be limited as provided in Exhibit I, paragraph 8(g) and the Transportation Management Plan required thereby.

Graniterock has submitted documentation showing compliance with this condition.

4. At the time of any five-year review of this Future Mining Approval, the County may consider and act on an amendment of said Approval to require shipment by rail (partial or complete) if feasibility is demonstrated

The 1997 rail haul feasibility study concluded that hauling by rail was not economically feasible. Nevertheless, shipping by rail is required if production exceeds 350,000 tons per year (450,000 tons per year maximum). Production has never exceeded 250,000 tons per year and the County has not required an updated rail haul feasibility study.

5. Alternative 5 of the Sight Distance Study shall be implemented prior to increasing annual quarry production above 150,000 tons: The hillside on the northwest side of the Quarry access road shall be graded and vegetation removed as necessary to provide the minimum 257 feet of sight distance. Engineered improvement plans for this work shall be developed and submitted to the Department of Public Works for review. The Department of Public Works shall approve these improvement plans and issue an Encroachment Permit prior to construction. (TRF-3, Source: 1998 EIR)

In compliance.

7. The applicant shall contribute to the City of Scotts Valley Development Impact Fee Streets and Thoroughfare Fund to compensate for project-related increases in A.M. peak hour traffic at the Lockhart Gulch/Mount Hermon intersection. The funds provided to the City of Scotts Valley shall be based on an estimate of cost to install a signal at this intersection and shall be proportional to the percentage increase in A.M. peak hour traffic attributable to the project.

Graniterock has made *two* payments to the City of Scotts Valley: 1) Share of cost of stoplight at Mount Herman Road/Lockhart Gulch Road; 2) Share of cost of roadwork on Mt Herman Road agreed to at 1998 Planning Commission hearing.

8. A minimum of 60 percent of sand truck trips from the Quail Hollow Quarry shall occur between the hours of 6:00 a.m. - 7:00 a.m. and 9:00 a.m. - 2:00 p.m. on authorized days of operation, and utilization of these hours for other truck trips shall be maximized, to the extent feasible.

Graniterock has submitted documentation showing compliance with this condition.

9. Quarry-related trucking of sand shall be prohibited on Graham Hill Road, Highway 9, and West Zayante Road, unless needed for delivery to a job site on or in the immediate vicinity of these roads.

In compliance.

H. Noise Control

1. If noise monitoring and reporting, as required in the Annual Report to the Planning Director (Condition II.H.9.) reveals noise levels in excess of 60 dBA for more than 15 minutes per hour at or beyond the current existing Quarry property boundary, construction of berms or other noise attenuation measures *is* required to meet that standard. (Mit. #54, Source: 1993 EIR) Any proposed noise attenuation measures shall be reviewed and approved by the Planning Director prior to implementation. The Director may consult with owners of affected property adjacent to the quarry prior to approving noise attenuation measures.

Noise monitoring indicates that noise levels do not exceed the noise standard.

2. Mining and processing activities are permitted only between the hours of 6:00 a.m. and 3:30 p.m., Monday through Friday. (Mit.55, Source: 1993 EIR)

In compliance.

3. Emergency work is limited to 6:00 a.m. to 8:00 p.m., Monday through Saturday, with prior notification to the Planning Director. (Mit. #55, Source: 1993 EIR)

Emergency work typically occurs as needed during rainstorms and involves monitoring and maintenance of the pond system.

4. An informational program shall be implemented to inform the truck drivers to observe the speed limit and avoid unnecessary use of "jake" brakes.

See Trucker Awareness Program, Condition III.G.2 above.

5. To reduce noise levels near the residence adjacent to the western property line, the Quarry shall implement the following measures (NOI-1, Source: 1998 EIR):
 - a. Light equipment shall be used to move sand when mining within 200 feet of the western property line.
 - b. Mobilize work on the mining face close to property line to minimize the duration that equipment operates at the property line grade (line of sight) and is unshielded by topography.
 - c. Operations within 200 feet of the adjacent residence between the hours of 6:00 a.m. and 9:00 a.m. are prohibited.

Mining is occurring within approximately 800 feet of the western property line.

6. In conjunction with project approval, the applicant shall submit a request to the Planning Commission for approval of a temporary exceedence of noise standards along the western property line, pursuant to Section 16.54.050(c)(1) of the Mining Ordinance.

The Planning Commission approved this request concurrent with approval of 95-0836 subject to the conditions herein – Conditions III.H.5, III.H.7 and III.H.8.

7. All residents within 1,000 feet of the western property line shall be notified in writing at least six months prior to start of operations in this area.

This requirement is not triggered because operations are currently located approximately 800 feet from the western property line. The notification is triggered six months prior to start of operations within 200 feet of the western property line.

8. Prior to disturbance along the western property boundary, the applicant or operator shall submit a schedule to the Planning Director for operating within 200 feet of the western property boundary with a specified start and

finish date, along with documentation that all residents within 1,000 feet of the western property line have been notified of these proposed operations. The Planning Director shall review the submitted information and, upon determining that the duration of the operations are consistent with that approved by the Planning Commission and that notification to residents has been completed, shall provide written approval for commencement of this work.

This requirement is not triggered because operations are currently located approximately 800 feet from the western property line.

I. Protection of Paleontological Resources

- I - In the event that significant paleontological resources (i.e. significant skeletal remains that would substantially contribute to knowledge of prehistory) are found during mining operations, all work shall be halted within 200 feet of the find and the Planning Director shall be notified immediately. A qualified paleontologist, as approved by the Planning Director, shall be retained to assess the significance of the find and implement mitigation measures recommended as a result of such assessment, consistent with the County's Paleontological Resource Protection Ordinance in effect on the date of issuance of the Future Mining Approval (Mit. #57, Source: 1993 EIR)

The Planning Director has not been notified of any paleontological resources.

J. Protection of Views (Aesthetics)

1. All revegetation aspects of the Reclamation Plan shall be implemented. (Mit. #39, Source: 1993 EIR)

In compliance with respect to aesthetics.

2. While additional mining is proceeding, permittee shall, to the maximum extent feasible, initiate recontouring and revegetation activities in areas where mining is completed in order to establish plantings and reduce the shorter-term visual impacts to these areas. (Mit. #40, Source: 1993 EIR)

In compliance.

K. Operating and Shipping Hours

1. Operations shall be limited to between the hours of 6:00 a.m. and 3:30 p.m., Monday through Friday. Emergency operations are permitted from 6:00 a.m. to 8:00 p.m., Monday through Saturdays, with prior notification to the Planning Director. (Mit. #55, Source: 1993 EIR)

In compliance.

2. Shipping hours are limited to the hours of 6:00 a.m., to 3:00 p.m., Monday through Friday. Emergency shipping is permitted between 6:00 a.m. and 8:00 p.m. Monday through Saturdays, with prior notification to the Planning Director.

In compliance.

L. Biotic and Wildlife Preservation and Conservation Plan and Revegetation Measures

1. No land disturbance or mining activity shall occur in the Future Mining Area shown on the plan prepared by Robert L. DeWitt & Associates, dated May 27, 1998 (Exhibit **B**), until:
 - a. The U.S. Fish and Wildlife Service has approved a Habitat Conservation Plan (HCP), and Implementation Agreement (IA) executed by Graniterock Company, to mitigate for the incidental take of and **loss** of habitat for the Ben Lomond Wallflower, the Ben Lomond spineflower, the Mount Hermon June beetle, and the Zayante band-winged grasshopper.
 - b. The Department of Fish and Game has issued a 2081 permit to Graniterock Company for the incidental take of Ben Lomond Wallflower in the Future Mining Area, as required under the California Endangered Species Act, and field testing has been completed pursuant to Condition III.L.4 to establish the likelihood of success of revegetation efforts and to establish the most effective revegetation methods.

Upon acceptance of the above-referenced HCP, IA, and the 2081 permit by the County, the U.S. Fish and Wildlife Service ("Service"), and Department of Fish and Game respectively, such plans and agreement, and the implementation thereof, shall become a condition of this Approval.

Based on the HCP and IA documents Graniterock obtained the required permits from the USFWS and CDFG effective August 31, 1998

2. The HCP, and IA, (collectively "the plan") shall meet the following requirements:
 - a. Provide for permanent protection and long-term management, through conservation easements, of the North and West Ridge Set Aside Areas on the Quail Hollow Quarry property shown on Exhibit

- A. The North and West Ridge Set Aside Areas shall be undisturbed by previous development activities including, without limitation, mining and road construction.
- b. Provide for enhancement, protection, and long term management of at least 3 acres of disturbed sand parkland and at least 5.2 acres of disturbed maritime chaparral on or adjacent to the Quail Hollow Quarry site, as shown on Exhibit A, in a location satisfactory to the County, the Service, and Fish and Game. The enhancement areas shall have native soil and geologic substrate intact.
- c. Specify a long-term management and maintenance program for the enhanced areas to ensure their long-term survival. This program shall include success criteria and specific management strategies.
- d. Provide that slopes within the Future Mining Area shall be revegetated with the goal of reestablishing protected species.
- e. Provide that those areas of the site that are to be protected by fencing, shall require the prior approval of the County, the Service, and Fish and Game. The fencing shall be permanently maintained.

The HCP/IA contains all of these provisions.

- 3. All areas to be protected and/or enhanced under Condition III.L.2 shall be shown on a licensed surveyor's map showing the field location of the South Ridge, the conservation easements shown on Exhibit A, and the mining boundary line shown on Exhibit B and shall be staked in the field prior to the map's acceptance by the County, CDFG, and the Service.

In compliance.

- 4. Prior to issuance of the Future Mining Approval in the Future Mining Area, the applicant's biotic consultant shall commence field tests to determine the likelihood of success of revegetation efforts and the most effective revegetation efforts, with particular attention given to determine the conditions necessary for establishment of the four special status species which occur within the proposed Future Mining Area. Field tests shall include analysis of the effects of different seeding methods (hand seeding vs. hydroseeding), different seed densities, effect of different soil properties and slopes of different steepness, and other factors likely to affect success of revegetation and of establishment of populations of special status species. Field tests shall be conducted in areas previously mined or currently being mined.

A written report on the testing program shall be submitted by the biotic consultant prior to disturbance in the Future Mining Area. The report shall provide detail on the testing program, including the requirements described above, a schedule for testing, monitoring and reporting and verification that the testing program has commenced.

- a. The progress and results of the testing program shall be reported to the County in conjunction with the Quarry's Annual Report. The Report shall specifically compare the results of the testing to the success criteria and specifications of the Revegetation Plan. The Annual Report shall include any recommendations, based on the testing program, which could reasonably be expected to improve the success of the Revegetation Plan. Such recommendations shall be implemented with the Revegetation Plan. (Mit. #25, Source: 1993 EIR)
- b. In the event that testing shows that the success criteria and specifications of the Revegetation Plan cannot be met, the Quarry's biotic consultant shall make written recommendations which will achieve the objectives of the Revegetation Plan to the maximum extent possible. Upon review and approval by the Planning Director, these recommendations and their implementation will become conditions of this approval. Any recommendations which would necessitate a major change to the scope or concept of the Revegetation Plan will require an amendment to this Approval processed in accordance with the County Mining Regulations. In the event that the success criteria and specifications of the Revegetation Plan that pertain to the four special status plant species cannot be met, additional natural habitat outside the Future Mining Area that supports these species shall be enhanced as part of the mitigation agreement specified in Condition III.L.2.b and c.

These requirements have been met by a combination of documents: The Comprehensive Report on the Revegetation Field Testing Program at Quail Hollow Quarry, Greening Associates, May 16, 1997, the approved Revegetation Plan for Quail Hollow Quarry, Greening Associates, November 1997, Appendix D-6 and D-7, and the March 13, 1998 letter by Greening Associates to Mr. Jim West, Graniterock Company, contained in the 1997 Annual Report on the Current Mining Area.

5. Prior to any disturbance in the Future Mining Area, the Revegetation Plan shall be submitted for review and approval by the Planning Commission. All revegetation activities shall be consistent with the revised Revegetation Plan, as approved, and shall reflect the following requirements:
 - a. Have the goal of establishing a self-sustaining plant community containing natural indigenous species including the four special

status species. Performance standards shall address this goal and shall conform to the requirements of the Santa Cruz County Mining Ordinance and SMARA, and shall include intermediate standards that are intended to detect the need for remedial activities. A contingency plan shall be identified that would be implemented upon failure to meet intermediate or final performance standards. (Mit. #26, Source: 1993 EIR)

- b. Provide data regarding estimates of available seed for revegetation. Seed collection shall not compromise the biological integrity of the site. The purpose of the enhancement activities is to increase the biotic value of the areas protected under Condition III.L.2.a. by arresting and/or repairing relatively light damage that has occurred to these areas. Examples of damage that enhancement will address include, but are not limited to: trail erosion, areas denuded of vegetation by recreational use, and minor alterations of surface drainage patterns. Examples of appropriate enhancement activities include, but are not limited to: closing and restoring old roads and trails, creating trails where necessary for recreational access and use, removing exotic species, and revegetating denuded areas.
- c. Provide that selected non-native species (e.g. 'Zorro' fescue (Lotus scoparius) and/or silver-hair grass (Aira caryophyllea)) purchased from commercial sources may be used in revegetation only after such use is specifically justified in writing and approved by the Planning Director or his or her designee.
- d. Include annual cost estimates for the revegetation program. These costs should include labor to collect seed, establish nursery stock, establish field trials, quantitative data on the native community, and long-term annual monitoring and maintenance (Mit. #32, Source: 1993 EIR)
- e. Include a monitoring and maintenance program which specifies who is responsible for the monitoring and maintenance, with a recommended annual monitoring and photo documentation for five years, then at 2-year intervals to 15 years. The maintenance and monitoring periods shall be adjusted until all performance standards are met. (Mit. #32, Source: 1993 EIR)
- f. Specify that the Annual Report should include monitoring of vegetation (quantitative data on revegetation areas, invasive, weedy species, etc.), wildlife, and erosion control. (Mit. #32, Source: 1993 EIR)

- g. Show areas and methods of application where herbicides will be used. (Mit. #33, Source: 1993 EIR)
- h. Include a detailed description of any required field testing. As part of the field testing phase, revegetation trials shall be conducted on steep slopes. Slope faces and benches similar to the final proposed contours shall be replicated to test reestablishment success of native species, including the four special status species which currently grow in the Future Mining Area, and to determine the optimal conditions for successful revegetation. If trials do not clearly establish that revegetation efforts will be successful on slope faces similar to those proposed by the mining plan, the biotic consultant shall make written recommendations which will achieve the objectives of the Revegetation Plan to the maximum extent possible. The consultant's report shall not include the possible option of lowering the gradient of the final mining slopes, to achieve more successful revegetation, nor shall such option be considered or imposed by the County. Upon review and approval by the Planning Director, the recommendations of the biotic consultant and their implementation will become conditions of this Approval. Any recommendations which would necessitate a major change to the scope or concept of the Revegetation Plan and/or mining plan will require an amendment to this Approval processed in accordance with the County Mining Regulations. (Mit. #34, Source: 1993 EIR)

Revegetation activities are consistent with the Revegetation Plan for Quail Hollow Quarry, Greening Associates, November 1997, which was approved by the Planning Commission. See Exhibit F.

these pipes. The mining boundary line shall be approved by the Planning Director. (Mit. #29, Source: 1993 EIR)

In compliance.

7. In order to protect native seed sources, hydromulching or placement of fine-grained overburden in areas of topsoil stockpiled for revegetation efforts is not permitted. Stockpiled soil, if stored longer than 2 years, shall be seeded with erosion control seed mix (utilizing a mix compatible with future revegetation efforts) for erosion and weed control. (Mit. #30, Source: 1993 EIR)

In compliance.

8. Topsoil shall be spread primarily on slopes and terraces where the natural characteristics of the soil have been altered, specifically areas where there is little or no loose soil fines. Erosion control measures, such as installation of jute netting, shall be used to minimize erosion of spread topsoil on steep slopes. (Mit. #31 and #37, Source: 1993 EIR)

Pursuant to the approved revegetation plan (Exhibit F) topsoil is spread on completed benches; slopes are hydroseeded.

9. In order to prevent over-spraying, use of herbicides for the removal of non-native vegetation is not permitted during windy conditions. Only biodegradable herbicides shall be used. (Mit. #33, Source: 1993 EIR)

In compliance.

10. Use of herbicides during the rainy season is not permitted. (Mit. #33, Source: 1993 EIR)

In compliance

11. **As** proposed in the final contour plan, benches shall be sloped so that the inner edge **is** lower than the outer edge. In addition to catching runoff water, this practice will encourage the accumulation of loose soil on terrace slopes from sloughing and affecting revegetated areas. (Mit. #36, Source: 1993 EIR)

In compliance.

12. Stockpiled topsoil shall not be placed on areas where topsoil has been placed previously in order to preserve on-site seed banks. Measures, such as placement of jute netting, shall be implemented to prevent rapid erosion of topsoil. (Mit#37, Source: 1993 EIR)

The operator and the revegetation specialist coordinate the stockpile of topsoil.

13. Placement of spoils in previously undisturbed habitat, and areas where erosion might carry loose materials into habitat areas shall be avoided. **All** mining area surface runoff shall be directed away from habitat set asides. Erosion gullies and other unnatural features which channel surface toward native vegetation formations shall be carefully altered to restore natural drainage patterns through occupied habitat. (BIO-7, Source: 1998 EIR)

Undisturbed habitat areas are protected from runoff and erosion hazards. Erosion and sediment control measures are implemented as specified in the Revegetation Plan and as needed in the field.

14. Non-native plants, particularly woody taxa such as broom, shall be removed from natural habitat areas throughout the property, with particular attention being given to habitat set asides. Removal shall be implemented as soon as such species are detected on the site, and preferably before they set seed. (BIO-8, Source: 1998 EIR)

In compliance.

15. The North and West Ridge Habitat Set Asides and the South Ridge will be closed to public access. Consistent with the conservation easements for these habitat Set Aside Areas, and with the conservation purposes for which the South Ridge is being acquired, the County may, with the categorical approval of the Service and Fish and Game, authorize access to the North, West, and South Ridges on a case by case basis for educational, scientific, or other purposes in accordance with the principle that the habitat and biological resources in these areas have priority over public access. However, the existing trail across the west end of the South Ridge, adjacent to the former Liebenberg property, shall continue to be accessible to local horse riders and hikers.

These areas have been closed to public access. Research conducted since the HCP has shown that an area encompassing the west end of the South Ridge provides the best remaining habitat in the world for the Zayante band-winged grasshopper, of which only 100 acres remains. Therefore, consistent with the requirement of the HCP that protection of habitat has priority over public access, the trail across the west end of the South Ridge has been closed to public access to protect habitat of the Zayante Band-winged grasshopper.

CONDITIONS OF APPROVAL

Quail Hollow Quarry Mining Approval and Certificate of Compliance 90-0370

I. EXHIBITS

All mining operations shall conform to the following Exhibits which are incorporated as conditions of this Mining Approval, except as modified by specific permit conditions set forth below.

- A. Proposed Mining Area and Operations Plan for the Quail Hollow Quarry prepared by Robert DeWitt and Associates, as revised October 8, 1992.
- B. Mining Plan for a Portion of the Quail Hollow Quarry prepared by Robert DeWitt and Associates, as revised October 15, 1992, and August 17, 1993 (Showing areas A, B, and C) (includes 2 sheets).
- C. Drainage and Erosion Control for the Existing and Proposed Mining Site, Quail Hollow Quarry, prepared by Robert DeWitt and Associates, as revised December 10, 1992.
- D. Revegetation Plan for the Quail Hollow Quarry prepared by LSA Associates, dated April 30, 1992.
- E. Reclamation Plan for the Existing and Proposed Mining Site, Quail Hollow Quarry, prepared by Robert DeWitt and Associates, as revised December 10, 1992.
- F. Existing Vegetation Plan prepared by Robert DeWitt and Associates, dated July, 1993.
- G. Waiver and Indemnification Agreement to be executed between Santa Cruz Aggregates, Inc. and the County of Santa Cruz.
- H. Existing Facilities at Quail Hollow Quarry prepared by Robert DeWitt and Associates, as revised June 11, 1990.

All exhibits are on file with the County's Planning Department and are available for viewing, and are hereby made part of the administrative record for the proposed project.

II. GENERAL PROVISIONS

- A. This mining approval and Certificate of Compliance ("Approval") shall be the sole and exclusive permit or approval authorizing mining operations at Quail Hollow Quarry and shall control and bind owner and all future

Exhibit B

owners, lessees, or operators. Notwithstanding the foregoing, if there is a final judicial determination in Santa Cruz County Superior Court No. 113495 ("such litigation"), establishing that owner has a vested right to mine Quail Hollow Quarry, such vested right may be based on any or all prior authorizations to mine at Quail Hollow Quarry and shall not be limited or restricted by this Approval. Consistent with the terms and conditions of the March 20, 1993 Non-Waiver Agreement between the County and the owner and operator of Quail Hollow Quarry ("Owner"), Owner's acceptance of the Approval, including the conditions of this Approval, shall not constitute a waiver of any vested right claim asserted by Owner in such litigation.

- B. This Approval is limited to a portion of the following County assessor parcel numbers: 72-262-03; 72-262-04; 72-262-18; 73-071-16; 73-011-05; 73-011-06; 73-011-12. For specific areas of mining and reclamation within the boundaries of these parcel numbers please refer to above listed exhibits.
- C. This Approval is for the extraction, processing, storage, shipping of sand resources obtained from the quarry site in accordance with the conditions herein and for reclamation of existing, proposed and previously mined lands as shown in the approved Reclamation Plan (Exhibit E).
- D. Minor variations to this Approval meeting the standards of County Code Section 18.10.134 and requested by the mining operator or staff which do not change the general concept of use and operation, and which do not adversely affect the environment, may be approved in writing by the Planning Director following review and recommendation by the County's Environmental Coordinator. Upon receipt of an application for a Minor Variation, the Planning Director shall provide written notice of such application to each member of the Board of Supervisors, each Planning Commissioner and to anyone who has filed a request for such notice.
- E. Within 45-days from the date of issuance of this Approval, the property owner and applicant shall sign, date and return two copies of the Approval to indicate acceptance and agreement with the conditions thereof. By signing this Approval, property owners agree to file a Declaration with the County Recorder binding themselves and any future owners or lessees to the revegetation and reclamation requirements of this Approval. The Declaration shall be supplied by the Planning Director and shall be filed for recordation within 90 days of approval issuance. Failure to sign the approval as described above shall render this Mining Approval null and void as it pertains to mining in Areas A, B and C as shown on the Mining Plan (Exhibit B) and all mining operations shall cease in those areas

except reclamation and revegetation work in accordance with the above listed exhibits.

- F.** All mining and reclamation activities shall conform with these conditions of approval and with the regulations of the following agencies as they apply to the mining operations. The mining operator shall provide the County with copies of any permits issued by these agencies and any permit amendments, within 30 days of receipt.
1. Monterey Bay Unified Air Pollution Control District
 2. Central Coast Regional Water Quality Control Board
 3. California Department of Fish and Game
 4. Fish and Wildlife Service of the US Department of the Interior
- G.** This Approval shall be reviewed by the Planning Commission within five years from the date of issuance. In connection with such review, the Planning Commission shall take public testimony and shall otherwise investigate the permittee's compliance with the conditions of this Mining Approval, and shall be empowered to amend the conditions of the Approval *if* there is a threat to public health and safety, a significant injurious threat to the environment, a nuisance or a violation of permit conditions. In addition to the required five-year review, the annual reports submitted by the Quarry pursuant to Condition II.H. shall be placed on the Planning Commission's consent agenda with a recommendation from the Planning Director that the Commission accept and file the annual report of Quarry operations.
- H.** In conjunction with the annual report to the State Geologist required by SMARA, the mining operator shall submit a report to the Planning Director by April 1 of each year starting with April 1995. The report shall be prepared by the mining operator or other professional determined by the Planning Director as qualified to prepare such report. If the Planning Director determines the need for an independent consultant with specialized expertise, the mining operator shall obtain such consultant. All costs of such report and its review shall be paid by the mining operator. The report shall be available for public review. The report shall include the following, unless waived or modified in writing by the Planning Director:
1. A report on the operator's compliance with all Conditions of Approval, including the required monitoring program.

2. An analysis of any significant changes in environmental conditions or in the mining operation which have not been anticipated in this Approval.
3. A current aerial photograph of the entire site (1"=200' scale) showing, facilities, stripped areas, and revegetated and reclaimed areas, together with a report on the extent of excavation and reclamation completed in the previous year and projected for the coming year.
4. Every fifth year, a current photogrammetric topographical map prepared from current aerial photographs (1"=200' scale with a 10 foot contour interval) showing all the requirements of II.H.3. above.
5. A revegetation report prepared by a botanist, horticulturist or plant ecologist retained by the mining operator and approved by the Planning Director. The revegetation report shall describe the degree of success in achieving the objectives of the revegetation plan, and shall identify any changes or additional measures which may facilitate achievement of the desired results.
6. Written verification of the renewal and/or validity of the financial assurance.
7. A report to be held as proprietary information in accordance with the County's Mining Regulations, stating the annual amounts of production and shipping of mining products, and the estimated time to complete mining in the permitted area.
8. Monitoring logs for all wells, piezometers and springs (if any) for the entire year, and analysis thereof, as described in conditions III.C.2.
9. A noise report prepared by a qualified noise/acoustical consultant retained by the mining operator and approved by the Planning Director. Each noise report shall determine whether or not the mining operator is in compliance with noise standards contained in the County Mining Regulations, and shall investigate and make recommendations regarding (relative to noise mitigations): (i.) any mining equipment used at the mining site; (ii) proposed and existing noise protection; (iii) any other significant impact resulting from mining operations. The mining operator shall implement all recommendations of the noise consultant determined to be necessary by the Planning Director for compliance with the conditions of the Mining Approval.

10. An air quality report, prepared by a qualified consultant, including appropriate testing and monitoring in conformance with Conditions III.F.10 and III.F.11 to determine the effectiveness of mitigation measures.
- I. If at any time the Planning Director determines that there is a substantial noncompliance with any of these conditions, and/or Exhibits, the Planning Director shall forward a recommendation to the Planning Commission to set a hearing to consider revocation of this Mining Approval in accordance with the provisions of County Code Section 18.10.136.
- J. The actual and reasonable costs for the County's inspections and review of Annual Reports and other reports submitted by the Quarry shall be paid by the Quarry, within 30 days after billing.
- K. All mining operations shall be in compliance with the State's Surface Mining and Reclamation Act (SMARA).
- L. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code in effect as of the date this Approval is issued, the owner and/or operator shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation. Nothing herein shall preclude imposition of future conditions based on future regulations to protect the public health or safety or to avoid a nuisance.
- M. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the Quarry shall submit a revised financial assurance, in conformance with the requirements of SMARA, that takes into account the expanded mining area and the approved revegetation and reclamation plans. The Planning Director shall forward the financial assurance to the state Board of Mining and Geology for review and approval as specified in SMARA.
- N. Prior to permitting land disturbance or mining within Areas B or C as provided in Condition III.E, the Planning Director shall determine, in conjunction with review of the Quarry's annual report, whether mitigation measures regarding air quality and groundwater protection have been demonstrated as effective in, respectively, reducing Quarry emissions as predicted in the EIR and in protecting groundwater and spring flows. The Planning Director's determination shall be made available for public review prior to any mining in Areas B or C.

- O. Within 30 days of issuance of this approval, or prior to land disturbance in Area A, whichever occurs first, the applicant shall sign and record the waiver and indemnification agreement incorporated as Exhibit G of this approval. Failure to sign and record this agreement as described above shall render this mining approval null and void as it pertains to mining in areas A, B and C as shown on the Mining Plan (Exhibit B).

111. **OPERATING REQUIREMENTS**

A. Mining

1. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the Reclamation Plan shall be amended to show all recontouring and revegetation efforts and shall be phased to commence immediately upon completion of quarrying activities in any given area, as required by SMARA and the County's Mining Regulations. (Mit. #6)
2. All mining activities, including clearing, excavating or other disturbance, shall maintain a setback from the property lines as shown in the above exhibits. The setback shall be measured from the property boundary lines on a horizontal plane.
3. Prior to excavating, clearing, or otherwise disturbing the land within 200 feet of the property line, the mining operator shall provide survey markers at 200-foot intervals to indicate the location of the property line. The markers shall be maintained until a clear work face has been established.
4. The rate of mining and trucking shall not exceed 150,000 tons per year (which rate was the basis of the Final project EIR). The mining method shall be consistent with the current mining operation, utilizing a dozer, loader and conveyor belt. Other mining methods, such as hydraulic mining or use of a scraper, shall not be used unless a permit amendment is obtained.

B. Surface Drainage

1. Drainage improvements shall be designed by a qualified professional, and provide for the effective dispersal of runoff. Discharge areas must be protected from scour with some type of energy dissipater and positive drainage should be maintained away from the base of tall cut slopes. (Mit.#5)

2. Roads shall be regraded so that positive drainage is always maintained towards a specific catchment basin or silt pond. Under no circumstances shall standing water be allowed to accumulate at the top of steep slopes. A Road Grading and Drainage Plan shall be submitted within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, and all road grading and drainage control work shall be completed within one year of Approval. (Mit.#9)
3. Discharge into Azalea Dell Creek is prohibited. A continuous monitoring device or monitoring by an independent laboratory below catchment basin "F" may be required if a discharge occurs. If any discharge occurs, the Planning Director shall determine whether any remedial actions are needed and the operator shall carry out all remedial actions specified. (Mit.#12)
4. Inspections after major storms by County staff or an independent consultant approved by the County shall be carried out to ensure that the drainage system is functioning properly. (Mit.#13)
5. Following the cessation of mining, and prior to implementation of the final site uses, the site shall be inspected annually by a qualified consultant retained by the Quarry to ensure that the drainage system is functioning properly. The results of each inspection shall be submitted to the Planning Director in writing. Annual inspections shall occur for at least five years following the cessation of mining. If at the end of this five year period, no final site use has been implemented and reports have shown that the drainage system has functioned adequately and without the need for intensive maintenance, the Planning Director may reduce the frequency of inspections and reporting to every two years. Notwithstanding the frequency of inspections and reporting, the properly owner shall take all necessary steps to ensure that the drainage system is functioning and properly maintained until such time as final site land uses are implemented. (Mit.#15)
6. At least three years prior to the cessation of the proposed mining operations, a final revised drainage plan shall be prepared by a qualified engineer or hydrologist and submitted to the County for review and approval, unless another Approval has been granted for other areas within the quarry site. The drainage plan shall include measures that restore the natural drainage pattern, promote groundwater infiltration, and reduce sediment movement. A series of broad, swaled benches and berms or other similar method may be used which achieve the following goals: Prevent concentrated

flows over mining faces; eliminate concentrated flows in other areas; and develop dispersed runoff patterns which promote groundwater infiltration. Upon approval of this final drainage plan, necessary drainage improvements shall be constructed to coincide with the completion of mining where feasible, but in no case greater than one year following cessation of mining operations. Documentation of compliance in the form of an engineer's report shall be submitted within 90 days of implementation. (Mit.#16)

7. The ponds and basins shall be dredged as needed to maintain adequate storage capacity as shown on the drainage plan. (Mit. #14)

C. Groundwater Protection

1. A 45-foot separation between any final mining contour and the water table elevation identified in the 1989 Hydrological Report by Woodward Clyde and Associates shall be maintained. (Mit.#17)
2. The following groundwater monitoring activities shall be carried out and the results submitted to the Planning Department for review on a monthly basis. The mining operator or other professional reasonably determined by the Planning Director as qualified to conduct such monitoring shall conduct or supervise the monitoring program to the reasonable satisfaction of a qualified hydrologist retained or employed by the County Planning Director at Quarry expense (hereinafter "County's Hydrologist").
 - a. Monthly water table monitoring shall *continue* in order to observe seasonal and long-term water table fluctuations, to improve the peak water table-elevation estimates, and to characterize recharge rates using the existing piezometers and the other wells available. (Mit.#18)
 - b. Monitoring Wells #2 and #4 shall be deepened or replaced with wells sufficiently deep to monitor the water table if the water table remains below a measurable elevation for any two consecutive years following project approval. (Mit.#18)
 - c. The Quarry shall obtain permission from a property owner for monitoring at least one down-gradient spring. The spring(s) shall be monitored on a monthly basis. (Mit. #18)
3. During the first three years of mining in each of the three phases of the mining area (i.e. Areas A, B and C), the monthly water levels

and spring discharge data shall be reviewed every six months by a qualified hydrologist retained by the Quarry. If, at the end of the three year review period, data shows that the quarry is not having adverse effects on groundwater levels or spring flows, data shall be reviewed annually thereafter, The purpose of both the semi-annual and annual reviews is to assess whether changes to water table levels and spring discharges have occurred that are not readily attributable to fluctuations in precipitation or if there is a threat to the required separation between the final mining contour and the peak water table elevation. Either occurrence will require immediate investigation by a qualified hydrologist to the satisfaction of the County Hydrologist in order to determine whether or not mining is the cause of the changes and whether actions are needed to limit or cease mining operations in order to protect groundwater resources. Any determination to require such an investigation and a report of the results of any such investigation shall be placed on the Planning Commission consent agenda. (Mit.#18)

4. Additional monitoring sites may be required if the County's hydrologist, based upon substantial evidence, finds they are warranted. (Mit.#18)
5. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the Reclamation Plan shall be amended to show that areas in which no further mining activity is planned are to be reclaimed immediately to restore groundwater recharge capabilities at the quarry site. (Mit.#19)
6. Fine-grained overburden and wash water sediments shall be stockpiled in such a way as to be retrievable for specialized uses during reclamation, such as berm construction, and not spread over the site during reclamation efforts. Excess fine-grained materials may have to be duly and properly removed from the site to prevent stockpiled areas from expanding. (Mit#20)
7. Within 120 days of issuance of project approval, all fuel shall be stored in compliance with County and State regulations regarding fuel storage. Concrete containment basins shall be placed around filling stations in order to contain spills or leaks. (Mit.#21)
8. In the event that a hydrologic study reviewed and approved by the Planning Director shows that mining at the Quail Hollow Quarry has caused any spring currently used as a domestic water supply to be inadequate or unfit for such use, the Quarry shall bear the full cost

of providing a replacement source of domestic water for all users of such spring unless a tribunal of superior authority determines either that the Quarry is not responsible for the alleged impact its mining operation has had on such spring or that the Quarry is not liable to the affected spring user based on the respective water rights of the Quarry and the spring user.

D. Erosion Control Measures

1. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the Drainage and Erosion Control Plan shall be amended to the satisfaction of the County's Civil Engineer or Geologist to show regrading and placement of berms in areas of the inactive quarry site in order to control gully erosion problems. All necessary work shall be completed within one year of project approval. (Mit.#1)
2. The top of mined slopes shall be finished and contoured in order to prevent concentrated runoff from flowing down the face of the slope. Activities above the mined slope that would result in runoff being directed toward the mining face or concentration of runoff down the mined slopes, shall not be permitted, such as grading of roads that slope toward the mine face and installation of culvert outlets which discharge on slopes toward the mine face. The Final Drainage and Erosion Control Plan shall be revised within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, to reflect this requirement. (Mit.#4)
3. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the Drainage and Erosion Control Plan shall be amended to reflect the planting of levee slopes with riparian-type vegetation unless vegetation has already been successfully established. (Mit.#7)
4. Dredged and loose material shall be stored in a manner to prevent siltation into ponds, which could cause blockage of culverts with consequent erosion/siltation problems through placement of silt fences or filter cloth at edges of unvegetated stockpiles to confine sediments. (Mit.#8)
5. Fencing of the existing and proposed active mining area is required to discourage trail bikes and equestrian access. The Quarry shall

maintain all fences and continue to implement a trespass enforcement program. (Mit.#10)

E. Revegetation Measures

1. No land disturbance or mining activities shall occur in the areas shown as “B” and “C” on the mining plan prepared by Robert De Witt, revised August 17, 1993 (Exhibit B), until:
 - a. The Department of Fish and Game has accepted and the Planning Commission has considered the Planning Director’s acceptance of the biotic mitigation plan for loss of sand parkland and silver-leaved manzanita chaparral, as described in Condition III.E.3;
 - b. Field testing has been completed pursuant to Condition III.E.7 to establish the likelihood of success of revegetation efforts and to establish the most effective revegetation methods;
 - c. A mitigation agreement has been executed with the Department of Fish and Game to mitigate for loss of the Santa Cruz wallflower, as required under the California Endangered Species Act; and,
 - d. A properly timed survey has been conducted to determine whether the Zayante Band-Winged Grasshopper is limited to the proposed mining area, or whether it is more widely distributed throughout the sand hills area. If the survey finds that such Grasshopper, or a substantial portion of its population, is limited to the proposed mining area, expanded mining to Area B or C shall not occur until a mitigation program is developed, reviewed and approved by the County.

Upon acceptance of the biotic mitigation plan by the County and the Department of Fish and Game and execution of the mitigation agreement with the CDFG, such plan and agreement, and the implementation thereof, shall become a condition of this Mining Approval. The biotic mitigation plan, field testing reports and grasshopper survey, including the grasshopper mitigation program, if required, shall be reviewed in accordance with the procedures outlined in Condition III.E.2.

2. At least six months prior to any mining in areas **B** or **C**, the owner and/or operator shall submit to the Planning Director the biotic mitigation specified in Condition III.E.3 and a comprehensive report on the field testing program, including any appropriate recommendations, as specified in Condition 111. **E**. 7. The Planning Director shall make these documents available to interested parties for a thirty-day review and comment period. At the conclusion of this period, the Planning Director shall consider the required submittals, together with any comments received, and shall determine whether the biotic mitigation plan is acceptable and whether the field testing program has been adequate to establish that the revegetation plan is likely to be successful, or, if not, that alternative measures will be implemented as specified in Condition III.E.7.b. Following the Planning Director's acceptance of the plan, the matter shall be placed on the Planning Commission's consent agenda. The Commission shall either accept and file the plan, as recommended by the Planning Director, or shall set the matter for public hearing for further consideration.
 - a. If the applicant chooses to mine in area **C** prior to area **B**, the biotic mitigation plan specified in Condition 111.E.3 shall not be required prior to mining in area **C** because area **C** does not contain sand parkland or silver-leaved manzanita chaparral. However, all other requirements of Conditions III.E.1 and III.E.2 shall apply, including those provisions pertaining to the completion of field testing specified in Condition III.E.7 and the execution of a mitigation agreement with CDFG for loss of Santa Cruz wallflower.
3. The biotic mitigation plan shall meet the following requirements:
 - a. The plan shall provide for permanent protection and long-term maintenance, either through grant deed or conservation easement, of **at** least 1.5 acres of sand parkland and 2.1 acres of silver-leaved manzanita chaparral on the Quail Hollow Quarry property. The total area protected under this condition may be increased if, at the time of review and approval of the mitigation plan, such increase is determined necessary **to** ensure long-term viability of the mitigation site.
 - I. These areas shall be undisturbed by previous development activities including, without limitation, mining and road construction.

- ii. Each habitat type shall be protected as a single unit in the acreage specified. If feasible, the areas set aside for each habitat shall be in close proximity to one another to reduce habitat fragmentation.
- b. The plan shall provide for enhancement of 0.6 acre of disturbed sand parkland and 0.7 acre of disturbed silver-leaved manzanita chaparral on the Quail Hollow Quarry property. The total area enhanced under this condition may be increased if, at the time of review and approval of the mitigation plan, such increase is determined necessary to ensure long term viability of the mitigation site. The goal of the enhancement program shall be to achieve species diversity and abundance similar to the sand parkland and silver-leaved manzanita chaparral areas disturbed by mining.
 - i. The areas to be enhanced shall be permanently protected under a grant deed or conservation easement.
 - ii. The plan shall specify a long-term management and maintenance program for the enhanced areas to ensure their long-term survival. This program shall include success criteria and specific management strategies.
 - iii. The enhancement areas shall have native soil and geologic substrate intact.
 - iv. The enhancement shall be done in a single unit for each habitat type and shall be adjacent to the undisturbed areas protected under condition III.E.3.a.
- c. **All** areas to be-protected and/or enhanced shall protected by fencing following the approval of the biotic mitigation plan. The fencing shall be permanently maintained.
- d. The biotic mitigation plan must show that the proximity of the mitigation sites to other habitat is sufficient to allow for genetic exchange with other similar habitats. The plan must also identify potential threats to the mitigation site and make recommendations for avoiding such threats. The plan shall also identify the presence/abundance of special status plant and animal species within the mitigation site with the goal of providing protection to areas that are similar in habitat value,

in terms of presence/abundance of special status species, to those areas being disturbed.

4. All areas to be protected and/or enhanced under Condition III.E.3 shall be shown on a surveyed map and shall be staked in the field prior to acceptance by County and DFG.
5. All areas to be protected and/or enhanced shall be protected by fencing following the approval of the biotic mitigation plan. The fencing shall be permanently maintained.
6. Prior to any mining or land disturbance in the area shown as "A" on the above referenced mining plan, a fence shall be placed between area "A" and area "B" to prevent inadvertent disturbance of area "B". The fence shall remain in place until the biotic mitigation plan is accepted.
7. Prior to any disturbance in the expanded mining areas, the applicant's biotic consultant shall commence field tests to determine the likelihood of success of revegetation efforts and the most effective revegetation methods with particular attention given to determine the conditions necessary for establishment of the four special status species which occur within the proposed mining area. Field tests shall include analysis of the effects of different seeding methods (hand seeding vs. hydroseeding), different seed densities, effect of different soil properties and slopes of different steepness, and other factors likely to affect success of revegetation and of establishment of populations of special status species. Field tests shall be conducted in areas previously mined or currently being mined.

A written report on the testing program shall be submitted by the biotic consultant prior to disturbance in the expanded mining area. The report shall provide detail on the testing program, including the requirements described above, a schedule for testing, monitoring and reporting and verification that the testing program has commenced.

- a. The progress and results of the testing program shall be reported to the County in conjunction with the Quarry's annual report. The report shall specifically compare the results of the testing to the success criteria and specifications of the Revegetation Plan. The annual report shall include any recommendations, based on the testing program, which could reasonably be expected to improve

the success of the revegetation plan. Such recommendations shall be implemented with the revegetation plan. {Mit.#25}

- b. In the event that testing shows that the success criteria and specifications of the Revegetation plan cannot be met, the Quarry's biotic consultant shall make written recommendations which will achieve the objectives of the Revegetation Plan to the maximum extent possible. Upon review and approval by the Planning Director, these recommendations and their implementation will become conditions of this approval. Any recommendations which would necessitate a major change to the scope or concept of the Revegetation Plan will require an amendment to this approval processed in accordance with the County Mining Regulations.
 - i. In the event that the success criteria and specifications of the Revegetation Plan that pertain to the four special status plant species cannot be met, additional natural habitat that supports these species shall be set aside as part of the biotic mitigation plan specified in Condition III.E.1.
- 8. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the revegetation plan shall be revised to reflect the following requirements. The revised plan shall be submitted for review and approval by the Planning Director. All revegetation activities shall be consistent with the revised-plan, as approved:
 - a. The Revegetation Plan shall be revised with the goal of re-establishing a self-sustaining plant community containing the four special status species in numbers and extent equal to or greater than in the proposed mining area. Performance Standards shall be specified and based on reference sites of pre-mining vegetation, and include intermediate Standards that are intended to detect the need for remedial activities. A contingency plan shall be identified that would be implemented upon failure to meet intermediate or final performance standards. {Mit.#26}
 - b. The Revegetation Plan shall provide data regarding estimates of available seed for revegetation. The density of proposed seeding for revegetation shall be adjusted from 1

to 2 seeds per square inch to a minimum of 10 seeds per square inch, unless field testing referred to in Condition III.E.7 reveals that different densities are required, and shall identify seed sources. No more than **5%** of seed production of a native species should be collected in a given year. (Mit.#27)

- c. The Revegetation Plan shall be revised to reflect modification of the "silver-leaved manzanita chaparral performance standard" in order to show at least 50% cover of silver-leaved manzanita alone, in association with other native species. Non-native erosion control mix may not be used in areas planned for silver-leaved manzanita chaparral revegetation. (Mit.#28)
- d. Include annual cost estimates for the revegetation program. These costs should include labor **to** collect seed, establish nursery stock, establish field trials, quantitative data on the native community, and long-term annual monitoring and maintenance. (Mit.#32)
- e. Include a monitoring and maintenance program which specifies who is responsible for the monitoring and maintenance, with a recommended annual monitoring and photo documentation for five years, then at 2-year intervals to 15 years. The maintenance and monitoring periods shall be adjusted until all performance standards are met.(Mit.#32)
- f. Specify that the Annual Report should include monitoring of vegetation (quantitative data on revegetation areas, invasive, weedy species, etc.) wildlife, and erosion control. (Mit.#32)
- g. Show areas and methods of ~~application~~ where herbicides will be used. (Mit.#33)
- h. Include a detailed description of required field testing. **As** part of the field testing phase, revegetation trials shall be conducted on steep slopes: Slope faces and benches similar to the final proposed contours shall be replicated to test reestablishment success of native species, including the four special status species which currently grow in the proposed mining area, and to determine the optimal conditions for successful revegetation. If trials do not clearly establish that revegetation efforts will be successful on slope faces similar

to those proposed by the mining plan, the biotic consultant shall make written recommendations which will achieve the objectives of the Revegetation Plan to the maximum extent possible. The consultant's report shall specifically address whether final mining slopes of lower gradient are necessary to achieve successful revegetation. Upon review and approval by the Planning Director, the recommendations of the biotic consultant and their implementation will become conditions of this approval. Any recommendations which would necessitate a major change to the scope or concept of the Revegetation Plan and/or mining plan will require an amendment to this approval processed in accordance with the County Mining Regulations. (Mit.#34)

- i. The use of jute netting or similar material (straw mulch, tackifiers, acrylic copolymers, and/or bonded wood fiber materials) shall be tested on steep slopes, and used on such slopes throughout the revegetation area if found to be effective in promoting revegetation. (Mit.#35)
9. Quarry shall be limited to mining activities within the current and new mining areas, and listed as (a) through (u) in the Legend, and shown on the Map entitled "Existing Facilities, Quail Hollow Quarry," prepared by Robert L. De Witt and Associates, Inc., dated April, 1990, as revised June 11, 1990 (Exhibit H), but mining activities shall not be permitted within those portions of (r) and (s) situated outside of the numbered survey **points** shown on the Mining Plan. Areas of undisturbed sand parkland and silver-leaved manzanita chaparral that are not included in the approved Mining Plan shall not be disturbed by recontouring and revegetation processes that might disturb these areas. Placement of overburden or stockpiling of topsoil within Sand Parkland and silver-leaved manzanita chaparral areas is not permitted. Within 120 days of issuance of this Approval, Quarry shall **mark** on-site the boundary of these mining activities areas described above by PVC pipes, and shall not disturb areas outside of these pipes. The boundary of these mining activities areas including, without limitation, area (u) shall be approved by the Planning Director. (Mit.#29)
10. In order to protect native seed sources, hydromulching or placement of fine-grained overburden in areas of topsoil stockpiled for revegetation efforts is not permitted. Stockpiled soil, if stored longer than 2 years, shall be seeded with erosion control seed mix (utilizing a mix compatible with future revegetation efforts) for erosion and weed control. (Mit.#30)

11. Topsoil shall be spread primarily on slopes and terraces where the natural characteristics of the soil have been altered, specifically areas where there is little or no loose soil and soil fines. Erosion control measures, such as installation of jute netting, shall be used to minimize erosion of spread topsoil on steep slopes. (Mit.#31 and #37)
12. In order to prevent overspraying, use of herbicides for the removal of non-native vegetation is not permitted during windy conditions. Only biodegradable herbicides shall be **used**. (Mit.#33)
13. Use of herbicides during the rainy season is not permitted. (Mit.#33)
14. **As** proposed in the final contour plan, benches shall be sloped so that the inner edge is lower than the outer edge. In addition to catching runoff water, this practice will encourage the accumulation of loose soil on terrace slopes from sloughing of the upper mined slopes. (Mit.#36)
15. Stockpiled topsoil shall not be placed on areas where topsoil has been-placed previously in order to preserve on-site seed banks. Measures, such as placement of jute netting, shall be implemented to prevent rapid erosion of topsoil.

F. Air Quality

1. **All** sand for glass production shall be transported in covered trucks. (Mit.#41). **All** other material shall be transported in accordance with state regulations.
2. Unpaved quarry roads shall be watered by a water truck or an automated watering system activated when a vehicle enters the scale house. Water shall be applied frequently so that loose material at the surface is at 2% moisture content or higher. (Mit.#42)
3. Unless unpaved quarry roads are watered **as** specified in Condition III.F.2 above, such roads shall be sprayed with lignin sulfonate as needed to help bond fines on road surfaces. Other similar chemical treatment, which does not have adverse effects on groundwater quality, may be used upon approval by the Planning Director. (Mit.#43)

4. Within 120 days of project approval, the intake valves of settling ponds shall be screened with filter fabric material to help the pumping of less turbid water. As an alternative, the intake valve may be raised to eliminate the pumping from the lower area of the pond, where the suspended solids are greatest. (Mit.#45)
5. Use of front loaders for moving mined sand from the work face or mining floor to the mining pit is not permitted unless the travelling surface is wet or the mined sand deposits are broken into small increments to expose moist subsurface materials. (Mit.#46)
6. Within 120 days from project approval, processing equipment shall be improved through modification of scrubbers to give better fine particulate control, screening of transfer points, ducting the nearest scrubber, and increasing air flow through the screens, if the latter is feasible. (Mit.#47)
7. All equipment and processing facilities shall be maintained in accordance with APCD standards for stationary sources. (Mit.#48)
8. Revegetation in accordance with the approved Reclamation and Vegetation Plan shall be initiated as soon as practical in order to minimize-fugitive dust. Revegetation of previously disturbed areas that are not proposed for additional mining under this permit shall commence prior to mining in Area A. (Mit.#49)
9. Within one year from the date of project approval, a source-by-source assessment of air pollution control efficiency is required to establish a revised emission inventory and set performance standards so that sources could be routinely tested. Such assessment shall be carried out by a qualified air quality professional retained by the Quarry. The results of the assessment shall be submitted to the County for review. (Mit.#50)
10. During the first year following the preparation of the revised emission inventory, the Quarry shall conduct quarterly on-site air testing to determine the effectiveness of pollution control measures. Such testing shall be similar to the on-site testing conducted by Thomas Reid Associates as part of their Air Quality Study dated January, 1993. Following the first year, air testing shall be done annually. The air testing shall be done by a qualified professional and shall be summarized in a written report to the County. The consultant shall make appropriate recommendations for additional air pollution control measures needed to achieve the emission reductions projected in the project EIR. Upon review and approval

by the Planning Director, the recommendations of the air quality consultant and their implementation will become conditions of this approval.

11. The Annual Report shall include a summary of assessments and air quality testing conducted during the year to determine the effectiveness of the dust suppression measures and mitigations. (Mit.#50)
12. When state or federal health risk standards for exposure to airborne crystalline silica are adopted, or in the event that the state adopts standards for exposure to PM-10 which are more restrictive, this aspect of the permit shall be reviewed by the Planning Commission following submittal of the most current air testing report from the Quarry, as required under Condition III.F.10.

G. Reclamation Measures

1. Within 120 days of approval of this application, or prior to any disturbance in the new mining area, whichever comes first, the Reclamation Plan shall be amended to:
 - a. Combine the Reclamation Plan with the Existing Vegetation Plan prepared by Robert De Witt and Associates, dated July 1993, to show all previously mined areas not presently used or planned for mining within the next 20 to 25 years, including the area to the west of the existing mining area. (Mit.#3)
 - b. Show a time/monitoring schedule and measures to verify the success of the hydromulching. (Mit.#3)
 - c. Show maintenance provisions for specific areas, such as erosion and drainage control including overburden piles and previously mined areas.(Mit.#3)
 - d. Show that all recontouring efforts shall be done, performed to the satisfaction of the County's Civil Engineer or Geologist. (Mit.#3)

H. Traffic

1. Truck shipment from the Quarry to the existing route shall be limited to along East Zayante and Mount Hermon Road and between the hours of 6:30 AM and 3:00 PM, Monday through

Friday, except for emergency situations with prior notification given to the Planning Director. (Mit.#52)

2. The Quarry shall Maintain an active informational program for the shippers and drivers regarding speed limits and the use of the right hand lane of northbound Highway 17 between 6 AM and 9 AM on weekdays.(Mit.#53)

I. Noise Control

1. **If** noise monitoring and reporting, as required in the annual report to the Planning Director (Condition II.H) reveals noise levels in excess of 60 dBA for more than 15 minutes per hour at or beyond the Quarry property boundary, construction of berms or other noise attenuation measures is required to meet that standard. (Mit.#54)
Any proposed noise attenuation measures shall be reviewed and approved by the Planning Director prior to implementation. The Director may consult with owners of affected property adjacent to the quarry prior to approving noise attenuation measures.
2. Mining and processing activities are permitted only during the hours of 6 AM and 3:30 PM, Monday through Friday. (Mit.#55)
3. Emergency work is limited to 6 AM to 8 PM. Monday through Saturday, with prior notification to the Planning Director. (Mit.#55)
4. An informational program shall be implemented to inform the truck drivers to observe speed limit and avoid unnecessary use of "jake" brakes.

J. Protection of Paleontological Resources

1. In the event that significant paleontological resources (i.e. significant skeletal remains that would substantially contribute to knowledge of prehistory) are found during mining operations, all work shall be halted within 200 feet of the find and the Planning Director shall be notified immediately. A qualified paleontologist, as approved by the Planning Director, shall be retained to assess the significance of the find and implement mitigation measures recommended as a result of such assessment, consistent with the County's Paleontological Resource Protection Ordinance. (Mit.#57)

K. Protection of View (Aesthetics)

1. All revegetation aspects of the Reclamation Plan shall be implemented. (Mit. #39)
2. While additional mining is proceeding, permittee shall, to the maximum extent feasible, initiate recontouring and revegetation activities in areas where mining is completed in order to establish plantings and reduce the shorter-term visual impacts to these areas. (Mit. #40)

K. Operating and Shipping Hours

1. Operations shall be limited to between the hours of 6 AM and 3:30 PM, Monday through Friday. Emergency operations are permitted from 6 AM to 8 PM, Monday through Saturdays, with prior notification to the Planning Director. (Mit. #55)
2. Shipping hours are limited to the hours of 6:30 to 3:00 PM, Monday through Friday. Emergency shipping is permitted between 6 AM to 8 PM Monday through Saturdays, with prior notification to the Planning Director. (Mit. #52)

L. Mitigation Monitoring Plan.

The mitigation measures listed under this heading have been incorporated into the Conditions of Approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resource Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the Conditions of Approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.136 of the Santa Cruz County Code. All mitigation monitoring shall be documented in the required Annual Report. If the next quarterly inspection following the submittal of the Annual Report shows non-compliance with any provisions of this Mining Approval, enforcement actions in accordance with the County Code and SMARA will be implemented to achieve compliance.

(See 1993 Final Environmental Impact Report, Appendix A)

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 90-0370 & 95-0836

Assessor Parcel Number: 072-262-03; 072-262-04; 072-421-07; 073-011-05; 073-011-12; 073-011-13; 073-071-49

Project Location: 405 Quail Hollow Road

Project Description: Permit Review for compliance with conditions of approval of Mining Approval and Certificate of Compliance 90-0370 & 95-0836 for the Graniterock Quail Hollow Quarry

Person or Agency Proposing Project: Graniterock

Contact Phone Number: Don Roland, (831) 768-2310

- A. ☒ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Exempt

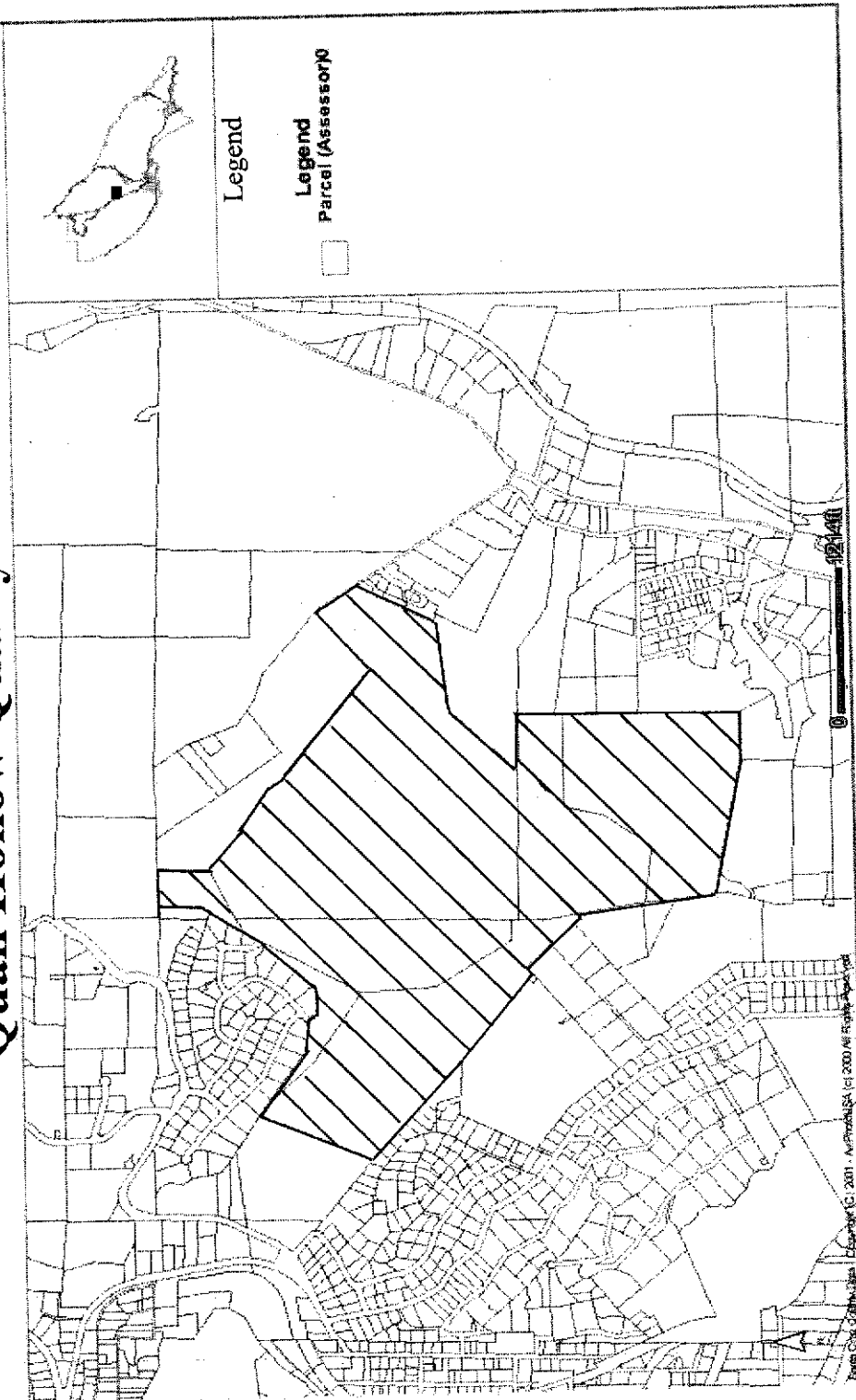
F. Reasons why the project is exempt:

The proposed activity is not a project under CEQA Guidelines Section 15378.

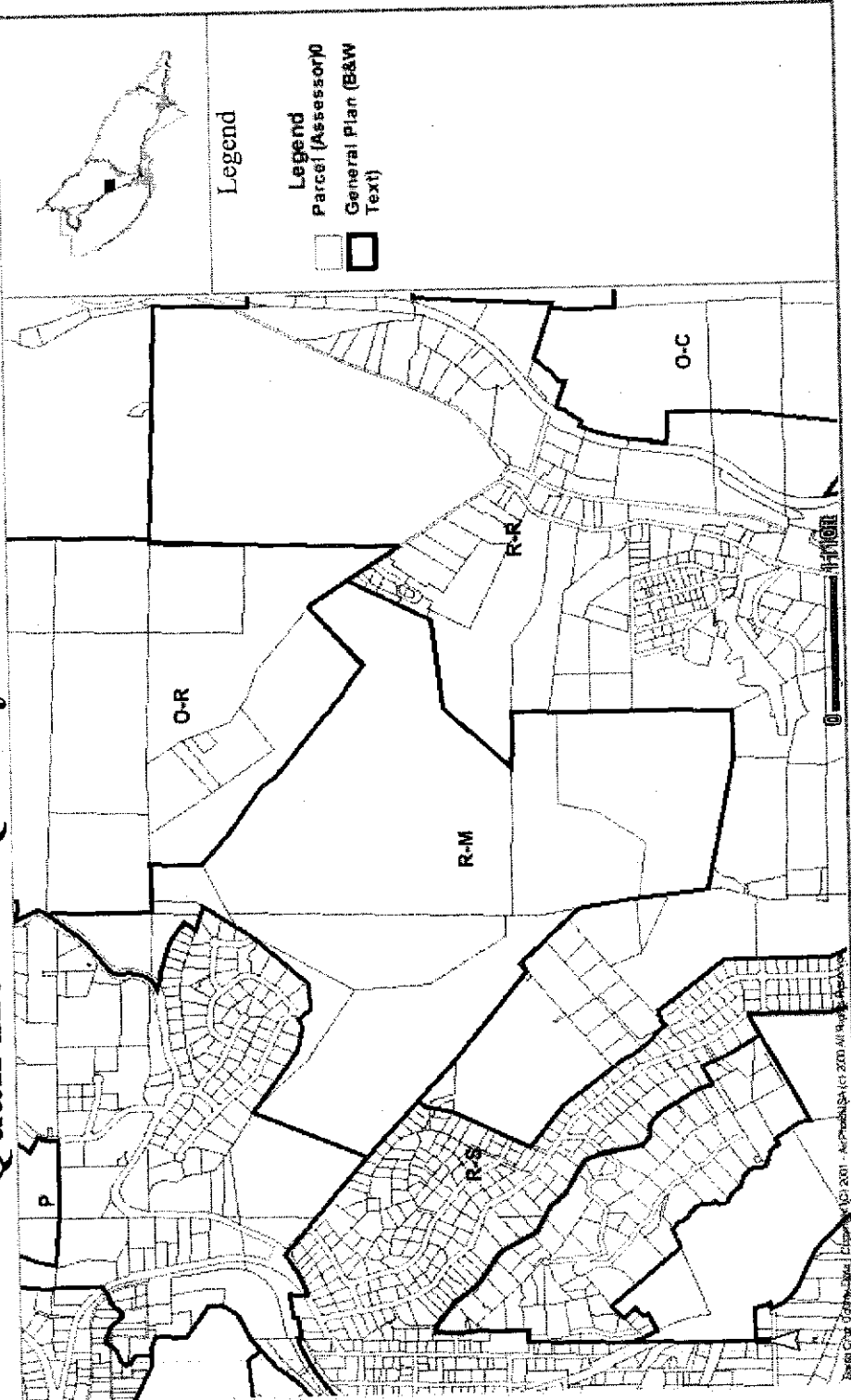
David Carlson, Project Planner

Date: _____

Quail Hollow Quarry Parcels



Quail Hollow Quarry General Plan Map



Quail Hollow Quarry Zoning Map

