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INTRODUCTION

These consolidated conditions reflect four sets of conditions:

1. CUP 4633 approved on December 10, 1996 by the Board of Supervisors.

2. Administrative changes approved on July 31, 1997 to Conditions 121 and 122 regarding roadway maintenance and payment of TIMFs.

3. Administrative changes approved on August 5, 1997 to Conditions 2.b, 2.c.4, and 2.d.3 regarding the expiration date of the permit, and Condition 3.d regarding the timing of a possible vehicle emissions program.

4. LU04-0168 approved May 5, 2009 which incorporates CUP 4158 into CUP 4633, revises the Phase I and Phase II mining limits, updates the reclamation and refill plans and eliminates 56 Average Daily Trips allowed under CUP 4158.

A fifth approval, Permit Adjustment 1, was approved on October 9, 2000 to allow a redesign of the processing, maintenance and office facilities as well as to change the CUP boundary to reflect the approval of Parcel Map Waiver 943. These are reflected in PAJ 1 Conditions 123 through 151. The facility changes were never undertaken and none of the Permit Adjustment conditions were ever activated. As such, the PAJ 1 conditions are not listed here as they were never part of CUP 4633.

The following Conditions of Approval apply to CUP 4633 (Cemex). The original December 9, 1996 approval as well as the July 31 and August 5, 1997 administrative corrections are hereby amended by LU04-0168 approved May 5, 2009.
The Conditions are divided into four categories:

I. Ventura County Department/Agency Conditions - Standard conditions developed by the various agencies in the County which generally apply to this and all similar mining projects.

II. SMARA-Related Conditions - Conditions intended to implement the Surface Mining and Reclamation Act (SMARA).

III. Impact Reduction and Land Use Compatibility Conditions - Conditions recommended in the Final Environmental Impact Report (Final EIR) prepared for the project (SCH # 89032905, dated July 31, 1996). In the Final EIR, these conditions of approval were recommended to minimize many of those adverse impacts that were not significant enough to warrant a specific mitigation measure(s). If derived from Final EIR recommendations, the condition title is followed by a Final EIR source reference. Other conditions in this section were adopted by the decision-making body to further reduce impacts and/or in response to land use compatibility related issues.

IV. Mitigation Monitoring Program Conditions - Conditions written to implement the mitigation measures identified in the Final EIR prepared for the project (SCH # 89032905, dated July 31, 1996). These conditions constitute the Mitigation Monitoring Program for the project and, as such, are subject to the provisions of California Public Resources Code Section 21081.6. The results of the monitoring program shall be reported to the Planning Division, which is responsible for maintaining the overall reporting files. Any modification to the Mitigation Monitoring Program Conditions can only be made if: 1) the County of Ventura finds that the proposed condition modification does not result in a change in the Final EIR conclusions and findings; or 2) a new environmental document is prepared to address the proposed modification. Each condition title is followed by a Final EIR source reference.

All references to Exhibit "2" Regional Location of Project Site (Final EIR Figure 1), Exhibit "4" Project Description Text (Final EIR Chapter 5.9, amending the Project Description in Final EIR Chapter 3), Exhibit "5" Permit Boundary (Final EIR Figure 2), Exhibit "6" Mining Areas (Final EIR Figure 5), Exhibit "7" Mining Phases (Final EIR Figure 5), Exhibit "9" Detailed Facility Plan (Final EIR Figure 11), Exhibit "10" Access Routes (Final EIR Figures 13 and 40), Exhibit "11" Mining and Reclamation Plan (Final EIR Figure 6), Exhibit "12" Cross Section of Mining Plan, with benching details (Final EIR Figure 7), and Exhibit "14" Site Drainage (Final EIR Figure 9) shall mean those Exhibits as approved by the Ventura County Board of Supervisors on December 10, 1996, or as they may be subsequently amended from time to time.
I. VENTURA COUNTY DEPARTMENT/AGENCY CONDITIONS

PLANNING DIVISION CONDITIONS

1. Permitted Uses (replaced by Condition 125)

   a. This permit is granted for the use of land for “Mining and Accessories Uses” consisting of the following:

      (1) Phase 1 and Phase 2 Mining and excavation in accordance with the approved Exhibits;

      (2) On-site processing of aggregate materials including sand and gravel sorting, screening, crushing and storage;

      (3) On-site concrete batch plant, including a back-up concrete batch plant and the chemical additive storage facilities;

      (4) Portable combined road base plant and recycling plant;

      (5) Mortar plant;

      (6) Asphalt Batch Plant;

      (7) Facilities, equipment and other accessory uses and appurtenances thereto, including but, not limited to, water recycling ponds, sediment retention basins, truck repair building, machine shop, water tank, scales, fuel service, stockpile areas, administration offices, bone yard, conveyor belt, lighting, security devices, and parking area;

      (8) Reclamation of the site; and

      (9) Access to and from the site as shown on Final EIR Figure "13" of the July 1996 Final EIR.

b. The permitted uses are limited to the descriptions contained in the following Exhibits and the uses described in these conditions of approval.
c. The permittee shall undertake no operational or construction related activity which is not explicitly described in these conditions, or applicable Exhibits, without first contacting the Planning Director to determine if said activity requires a modification to the permit. A written description of the proposed activity may be required by the Planning Director prior to rendering a decision.

d. Mining shall only occur as specified by Exhibit “7a” (Mining and Reclamation Plan), “7b” (Mining and Reclamation Plan Cross-Sections) and “7c” (Limits of Mining Activities and Pre-SMARA Activities) and the permittee shall substantially conform with the phasing plan for the project described in Exhibit 7. This phasing plan may be altered if unforeseen conditions (e.g., perched groundwater, other) are encountered. Such alterations shall be subject to the written approval of the Planning Director prior to implementation.

e. Phase 3 mining is not approved. However, the Phase 3 area is included within the CUP boundary and may be used for plant operations and stockpiling purposes. Any future mining in Phase 3 must be authorized by a permit modification as noted in Condition 4 (Permit Renewal) and Condition 5 (Permit Modification). It is understood that phase boundaries do not define the precise limits of site disturbance and that it will be necessary for the reclamation activities from one phase to encroach into the adjoining phase in order to achieve the required 2 to 1 slope during reclamation. Therefore, as described in Condition 111 (Reclamation Plan), the permittee shall modify the reclamation plan to describe the post-mining conditions and the activities needed to achieve the required 2 to 1 slope along shared phase boundaries (i.e., the Phase 1 boundaries with Phases 2 and 3, and along the Phase 2 boundaries with Phases 1 and 3).
f. Rights, activities and/or structures other than those authorized by Condition 1 of this permit shall require a modification of this permit. Any modification to any exhibits or conditions shall be subject to the permit modification process and any applicable standards contained in the Ventura County Ordinance Code then in effect.

2. **Time Limits** (Replaced by Condition 136)  
(Administratively changed on August 5, 1997)

   a. **Use Inauguration**

   This permit shall expire and become null and void if the Inaugural Zoning Clearance (Condition 3 **Issuance of Zoning Clearances**) has not been issued within nine months of the granting of this Conditional Use Permit (i.e., by September 10, 1997). Failure of the County to notify the permittee of the permit's imminent expiration shall not be grounds for the continuation of the permit beyond this deadline. At the discretion of the Planning Director, a one year extension to obtain the Inaugural Zoning Clearance may be granted if the permittee can demonstrate, to the satisfaction of the Planning Director, that diligent progress has been made toward inauguration of use, and the permittee has requested the extension in writing.

   b. **Expiration of Permit**

   This permit shall expire twenty (20) years after approval of this permit (i.e., December 9, 2016).

   c. **Expiration of Permitted Uses Exclusive of Complete Reclamation**

   The mining, processing, storage, or transport of any material on this site shall end when any of the following occurs:

   (1) The permitted use has been abandoned, discontinued, or terminated for a period of one year, unless the permittee: a) advises the Planning Director in writing of its intent to submit an interim management plan pursuant to SMARA (Public Resources Code Section 2770(h)); and b) the permittee submits an interim management plan within 90 days of the surface mining operation becoming "idle" as defined in Public Resources Code Section 2727.1; or

   (2) Expiration of the interim management plan; or
(3) The excavation contours shown on Exhibit "7a" and benching details shown on Exhibit 7b" have been reached; or

(4) The term of this permit has expired and the permit has not been renewed (i.e., on December 9, 2016).

d. Expiration of Permit Upon Conclusion of Complete Reclamation

(1) This permit shall expire when reclamation is complete. "Complete" reclamation is defined as that point in time when the requirements of the approved Reclamation Plan (Exhibits "7a" and "7b" and Condition 78 Annual Financial Assurances for Site Reclamation) have been met, and the final financial assurance required by SMARA is returned to the permittee.

(2) All conditions of this permit shall remain in effect until the Reclamation Plan is deemed "complete", even though the operational aspects of mining have ceased pursuant to paragraph "c" immediately above.

(3) In the event that reclamation has not been completed before this permit has expired (i.e., by December 9, 2016, then the permittee, or successor in interest, shall submit either:

(a) A revised reclamation plan which provides a complete plan for reclamation of the site within 24 months; or

(b) A permit modification application requesting to continue the mining operation (see Condition 5 Permit Modification). In either case, the revised plans shall be processed by the Planning Division as a permit modification.

e. Interim Management Plan

In the event that the permitted use is abandoned, discontinued or terminated for a period of more than one year, but less than five years, the permittee shall file and implement an interim management plan in accordance with the provisions of SMARA.

3. Issuance of the Inaugural Zoning Clearance and Other Time Bound Requirements (Administratively changed on August 5, 1997)

Continued operation of existing sand and gravel operations, between the CUP-4633 approval date and issuance of the Inaugural Zoning Clearance, is hereby authorized
subject to the conditions described herein. Upon permittee compliance with Condition 23 (Acceptance of Conditions), the Planning Director shall initiate an amendment of Compliance Agreement No. 4072 to incorporate those conditions which shall apply until the issuance of the Inaugural Zoning Clearance. The Planning Director may revoke said authorization if the permittee fails to accept these conditions of approval in the manner and time required under Condition 23 (Acceptance of Conditions) or if the permittee fails to agree to the above described amendment of Compliance Agreement No. 4072.

To inaugurate the uses permitted under this permit, the permittee must obtain the Inaugural Zoning Clearance. Prior to issuance of the Inaugural Zoning Clearance, and any subsequent Zoning Clearances, all permit processing fees billed to that date must be paid. After issuance of the Inaugural Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or the permit is subject to revocation.

a. Requirements Within Thirty (30) Calendar Days of Permit Approval

Within thirty (30) calendar days of the approval date of this permit (i.e. by January 9, 1997), the permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following condition of this permit:

Condition 23 (Acceptance of Conditions)

b. Issuance of the Inaugural Zoning Clearance

Prior to the issuance of the Inaugural Zoning Clearance, the permittee must first demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this permit:

Condition 8 (Consolidation of all Approved Exhibits, Conditions and Permits)
Condition 14 ( Permit Compliance Accounts and Billings )
Condition 20 (Proof of Insurance)
Condition 30 (Site Maintenance)
Condition 34 (Disposition of Overlapping Boundary with CUP-4158)
Condition 36 (Archaeological and Paleontological Resource Training)
Condition 48 (Hazardous Waste Permit)
Condition 49 (Hazardous Materials Storage Tanks)
Condition 54 (Hazardous Waste Contingency Plan)
Condition 55 (Easement Agreement)
Condition 58 (Gate Controls)
Condition 59 (Address Numbers)
CONDITIONS FOR: CUP-4633
HEARING DATE: December 10, 1996
APPROVAL DATE: December 10, 1996, revised July 31, 1997
August 5, 1997 and May 5, 2009

APPLICANT: Cemex

Condition 60 (Fire Protection Plan)
Condition 62 (Building Plans)
Condition 66 (Uniform Fire Code)
Condition 69 (Pollution Prevention Program)
Condition 77 (Permeability of Refill Material)
Condition 78 (Annual Financial Assurances for Site Reclamation)
Condition 83 (LCA Contract)
Condition 87 (Nighttime Lighting)
Condition 88 (24-Hour Contact Person)
Condition 89 (Third-Party 24-Hour Telephone Service)
Condition 95 (Road Triangle Fencing)
Condition 97 (Warning Sign Sight Distance Evaluation)
Condition 100 (Water Supply)
Condition 102 (Water Conservation Measures)
Condition 103 (Protecting Aquifer Recharge Areas)
Condition 104 (Groundwater Quality - Standing Water)
Condition 105 (Sediment Detention Basin Design)
Condition 107 (Groundwater Quality - Water Well Abandonment)
Condition 109 (Groundwater Quality - Spill Prevention)
Condition 110 (Slope Stability Analysis and Mitigation)
Condition 111 (Reclamation Plan)
Condition 112 (Revegetation Plan)
Condition 114 (Habitat Management and Compensation Plan)
Condition 115 (Visual Elements of Reclamation Plan)
Condition 116 (Air Emissions Mitigation Plan)
Condition 118 (Prohibit Jake Brakes)
Condition 121 (Roadbed Maintenance and Repairs Fund)
Condition 122 (Traffic Impact Mitigation Fee)

c. Requirements Within Six Months of Issuance of the Inaugural Zoning Clearance

Within six (6) months of the issuance of the Zoning Clearance, the permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this permit:

Condition 21 (Recorded "Notice of Land Use Entitlement" and Permit Summary)

Condition 40 (Staking of Permit Boundary and Approved Mining Areas)

d. Requirements Within One Year of Issuance of the Inaugural Zoning Clearance

Within one (1) year of the approval of the VEMP by the Air Pollution Control Board, the permittee shall demonstrate, to the satisfaction of the Planning Director,
compliance with the following conditions of this permit:

Condition 117 **(Vehicle Emissions Mitigation Program)**

e. **Annual Requirements**

Annually, by the date specified by the Planning Director, the permittee must demonstrate, to the satisfaction of the Planning Director, compliance with the following condition of this permit:

Condition 6 **(Condition Compliance Annual Report and Public Review)**
Condition 81 **(Annual Status Report)**
Condition 106 **(Clearing Sediment Plan)**

f. **Requirements Prior to Phase 2 Mining**

Prior to initiating mining activities in Phase 2, the permittee must first demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this permit:

Condition 77 **(Permeability of Refill Material)**
Condition 103 **(Protecting Aquifer Recharge Areas)**
Condition 104 **(Groundwater Quality - Standing Water)**
Condition 110 **(Slope Stability Analysis and Mitigation)**
Condition 111 **(Reclamation Plan)**
Condition 112 **(Revegetation Plan)**
Condition 113 **(Visual Elements of Reclamation Plan)**

Text added by LU04-0168 Condition 126:

g. **Zoning Clearance 1 (Start of Ground Disturbance)**

Zoning Clearance 1 (Start of Ground Disturbance) shall be issued prior to any ground disturbance by heavy equipment authorized under LU04-0168. Prior to issuance of Zoning Clearance 1 the Permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this Permit Adjustment:

Condition 128 **(Condition Compliance/Financial/Requirements/Limitations)**
Condition 132 **(Replace Condition 40 (Staking of CUP Boundary and Approved Mining Boundary)**
h. Time Bound Requirements

The following conditions shall be implemented within specific time frames:

Condition 135 (Delineation of Fines Storage Area Within 60 days after issuance of Zoning Clearance 1)

Condition 132 (Replace Condition 40 (Staking of CUP Boundary and Approved Mining Boundary) Within 120 days after issuance of Zoning Clearance 1)

Condition PW4 (Replacement of Condition 77 (Permeability of Refill Material)

i. Requirements Linked to Specific Actions

The following conditions shall be implemented prior to specific actions being taken:

Condition 130 (Biological Studies – Within two weeks of disturbance)

Condition PW3 (Drainage Analysis – Prior to grading permit)

Condition PW7 (Additions to Maintenance Facility – Zoning Clearance for any addition to maintenance area)

Condition EH2 (Contact EHD-LUFT – Prior to issuance of Permits)

Condition PW11 (Construction & Demolition Debris Waste Diversion Plan – Prior to issuance of Zoning Clearances)

Condition PW12 (Construction & Demolition Debris Waste Diversion Reporting Form)

Condition PW1 (Seismic/Geologic/Hydraulics Hazards – Prior to any work outside designated mining boundary)

4. Permit Renewal

At least one (1) year prior to permit expiration (i.e., before December 9, 2016), the permittee may file an application for permit renewal and/or expansion. If a determination of application "completeness" is made prior to the expiration of the permit, the permit shall continue in force until the request is acted upon and all administrative and court appeals are heard, even though the permit being renewed has expired. The permittee is solely responsible for the timely renewal of this permit. Failure of the County to notify said parties of the permit's imminent expiration shall not
be grounds for the uses continued operation after the expiration of the permit. Nothing in this condition allows the permittee to excavate beyond or below approved excavation contours.

5. **Permit Modification**

Prior to undertaking any operational or construction related activity which is not expressly described in these conditions or applicable Exhibits, the permittee shall contact the Planning Director to determine if such activity requires a modification of the permit. The Planning Director may, at his/her discretion, require that the permittee file a written description of the proposed activity prior to rendering a decision whether a permit modification is required. If a permit modification is required, such modification shall be subject to the then applicable standards for permit modification in the Ventura County Ordinance Code and the environmental review required by CEQA.

On the written request of the permittee, the Planning Director may modify the minimum requirements of any conditions if, in the opinion of the Planning Director, the modifications provide equivalent or greater benefits to the public health, safety or welfare than do the original conditions. Any such changes shall be approved in writing by the Planning Director, with a justification why the changes were approved.

The Planning Director may in his/her discretion extend the time limits for compliance with permit conditions if the permittee demonstrates that it has diligently attempted to meet the deadline specified.

**Exception:** The Planning Director may not extend the time limits associated with Condition 3.a. and 3.b. (*Issuance of the Inaugural Zoning Clearance and Other Time Bound Requirements*).

6. **Condition Compliance Annual Report and Public Review**

a. Annually, by the date specified by the Planning Director, the permittee shall prepare and submit to the County an annual report which describes how all conditions and mitigation measures of this permit are being implemented, any problems with such implementation and the resolution of such problems. The report shall also summarize PM$_{10}$ and biological control monitoring data. The permittee shall certify the accuracy of this report. If the permittee wishes, this report may be combined with the SMARA Annual Status Report.

b. This annual report shall be submitted to the Planning Director for the first three years after initiation of mining. If the Planning Director determines the need, said annual report and any Planning Director recommendations, will be submitted to the Planning Commission who shall determine the appropriate action(s) to be taken.
c. A major failure of the permittee to implement the terms of the Conditions contained herein shall result in the preparation of a special report to the Planning Commission by the Planning Director. Said report shall contain the Planning Director's recommendations and the Planning Commission shall determine the appropriate action(s) to be taken. Violations determined, by the Planning Director, to be minor shall not require the preparation of a special report to the Planning Commission.

7. **Program and Plan Modification**

The programs and plans required by the conditions stated herein may be reasonably modified, as described below, at the direction of the Planning Director after consultation with the permittee and the agencies with applicable expertise. Said modifications shall only be allowed if they serve to bring the permit conditions into conformance with the intent of the Final EIR mitigation measures.

The procedure to be used to modify programs or plans under this condition shall be as follows: 1) the Planning Director shall consult with the permittee and appropriate agencies to determine if a change is necessary or desirable; 2) if after such consultation the Planning Director determines that such a change is necessary, the Director shall inform the permittee in writing, explaining what change is being made and the justification for the proposed change and providing reasonable notice of any deadline; and 3) the permittee or any aggrieved person may appeal the decision of the Planning Director and during any such appeal the time for implementation of the decision shall be stayed.

The procedures outlined in this condition shall not be used, either directly or indirectly, to revoke this permit or to substantially modify the operational conditions, site life or excavation volumes of this permit. Nothing in this condition shall preclude the Planning Director from recommending to the Planning Commission that it adopt new or modified permit conditions pursuant to provisions of the permit modification process in the Ventura County Ordinance Code then in effect.

8. **Consolidation of all Approved Exhibits, Conditions and Permits**

Prior to issuance of the Inaugural Zoning Clearance, the permittee shall provide, in a form approved by the Planning Director, five (5) copies, in binders, of a final project description, all Exhibits to this Conditional Use Permit, all required Mitigation Programs and all plans or reports required by this permit. In addition, the binder shall include all permits issued by or applied for from any other agencies. Within 30 days of any subsequent modification of a permit or submission of an application for any permit, the applicable materials in revised form shall be submitted to the Planning Director.
The final project description consists of the project description contained in the CUP-4633 application deemed complete by the Planning Division on September 30, 1988, and as clarified and/or modified by the Final EIR prepared for CUP-4633 (SCH #89032905), these Conditions of Approval, the approved Exhibits, and the Project Description approved by the decision-making body.

In the event that any of the above sources conflict with any other source, the Planning Director shall determine the relevant project description. The Planning Director decision shall be based on a review of all the references to the specific project description component contained in the above sources. The above sources thus become the "administrative history" of the project description.

9. **Notice of Permit Requirements**

The owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed mining activities shall be informed by the permittee of the pertinent conditions of the use permit. A current set of permit conditions and Exhibits shall be retained at the site unless deemed impractical by the Planning Director. Furthermore, the permittee shall provide the property owner(s) with a copy of the conditions and exhibits. The distribution of the materials shall be documented to the Planning Director.

10. **Change of Ownership Notice**

At least 10 calendar days prior to the effective date of change of property ownership, or of lessee(s), or operator(s) of the permitted use, there shall be filed, as an initial notice with the Planning Director, the name(s), address(es) and telephone/FAX number(s) of the new owner(s), lessee(s) or operator(s), and company officer(s). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of said transfer. Said statement shall include any changes in name(s), address(es) and telephone/FAX number(s) of the new owner(s), lessee(s) or operator(s), and company officer(s) from the initial notice. Said statement shall be accompanied by a letter from the new property owner(s), lessee(s) and/or operator(s) acknowledging and agreeing to comply with all conditions of this Permit. Said statement shall specify the effective date and time of the transfer.

11. **Severability**

If any of the conditions of this permit are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitation set forth.
12. Permitee Defense Costs

As a condition of permit issuance and use of this permit, including adjustment, modification or renewal of the permit, the permittee agrees to:

a. Defend, at the permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this Permit or the manner in which the County is interpreting or enforcing the conditions of the Permit; and

b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of or resulting from any such action.

Upon demand from the County, the permittee shall reimburse the County for any court costs and or attorney's fees which the County may be required by a court to pay as a result of any such action the permittee defended or of which it had control of the defense. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this condition.

13. Liability (Other Responsibilities)

Neither the issuance of a permit hereunder nor compliance with the conditions thereof shall relieve the permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any use permit hereunder serve to impose any liability upon the County of Ventura, its officers or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the permittee shall indemnify, defend and hold harmless the County, its officers, agents, and employees, from any and all claims, demands, costs, expenses, including attorneys fees, judgments or liabilities arising out of the construction, maintenance, operations or abandonment of the facilities described herein under Condition 1 (Permitted Uses), as it may be subsequently modified pursuant to the conditions of this permit.

14. Permit Compliance Accounts and Billings

a. Establishment of Revolving Compliance Accounts

The permittee shall pay for any staff time, materials costs or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit compliance, ongoing SMARA compliance, and monitoring programs by establishing two revolving compliance accounts (see Paragraphs "b" and "c"
below).

In order to keep the two revolving compliance accounts fully funded, the permittee shall sign a reimbursement agreement prior to the issuance of the Inaugural Zoning Clearance, which, subject to the permittee's right to challenge any charges, obligates the permittee to pay any written refunding requests made by the Planning Director or designee to replenish the funds within thirty (30) days of receipt of said requests. Prior to the issuance of funding requests, and in no event less than quarterly, the permittee shall be provided with a detailed summary of all expenditures from each compliance account. At a minimum, these summaries shall include 1) all County staff hours by individual, including a description of the work performed and any costs incurred; 2) all consultant billing, including detailed summaries of all work undertaken with references to applicable County contracts; and 3) a detailed description of any other charges to the funds. The permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

The permittee shall be responsible for keeping the revolving funds fully funded until such time as the reclamation surety specified in Condition 78 (Annual Financial Assurances for Site Reclamation) is refunded to the permittee, or some lesser time as may be established by the Planning Director.

The above provisions may be modified by mutual agreement between the permittee and the Planning Director.

b. **CUP Condition Compliance Account**

Prior to issuance of the Inaugural Zoning Clearance, the permittee shall deposit Ten Thousand Dollars ($10,000), or a cash-equivalent instrument acceptable to the Planning Director, into a revolving condition compliance account. Said deposit will be used by County agencies to cover staff costs and/or County-initiated consultant contracts associated with these conditions. This account will cover non-SMARA condition compliance and enforcement costs.

c. **SMARA Compliance Account**

The SMARA compliance costs are subject to a separate billing mechanism as established by the current fee schedule. Prior to issuance of the Inaugural Zoning Clearance, the permittee shall confirm with the County SMARA staff that this account is current.
15. **Consultant Review of Information**

The County and all other permitting agencies shall have the option of referring any and all subsequent permit modification application requests of the permittee to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of staff. The scope of work and consultants to be used shall be determined in accordance with Condition 16 (Consultant Work). The costs for all such consultant work shall be borne by the permittee and are independent of the fees paid for staff processing of a permit application.

16. **Consultant Work**

Prior to the County engaging any independent consultants or contractors which will be paid for by the permittee pursuant to the conditions of this permit, the County shall confer with the permittee regarding the scope and necessity of the work to be contracted for, as well as the costs of such work. County staff shall prepare a detailed proposed scope of work for work items proposed to be given to any consultant. These proposed contracts and scopes of work shall be provided to permittee prior to retaining any consultant. The permittee shall have the opportunity to review and comment on all such consultant contracts, and to veto the use of individual consultants. Whenever feasible, the lowest bidder will be used. Any decisions made by staff may be appealed to the Planning Commission or the Board of Supervisors per the appeal procedures contained in the Ventura County Ordinance Code then in effect.

The County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract to the operator.

17. **Reporting Accidents**

The permittee shall immediately notify the Planning Director by telephone, FAX, and/or voice mail of any incidents such as fires, explosions, spills, land or slope failures, or other conditions at the site which could pose a hazard to life or property outside the permit area. Upon request of any County agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident. This condition does not supersede nor replace any requirement of any other governmental entity for reporting incidents as described above.

18. **Correspondence from Other Agencies/Jurisdictions**

Copies of all violations or abatement notices, or requests for reports or information related to this permit and its authorized uses by federal, state or local
jurisdictions/agencies, shall be provided to the Planning Director within 30 days of the permittee’s receipt of said notices or requests. The Planning Director shall determine, on a case-by-case basis, whether the permittee’s responses shall also be provided to the Planning Director.

Within 30 days of permit approval, the permittee shall contact the California Department of Mines and Geology to determine what additional information is required by that agency given the County’s approval of the project. Said information shall then be provided in a timely manner.

19. Informal Resolution of Complaints

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

a. All complaints received by the County shall be directed to the permittee’s contact person established pursuant to Condition 88 (24-Hour Contact Person). The complainant’s name shall remain confidential.

b. The permittee shall investigate the complaint as soon as possible, but no later than one working day after receiving a complaint from the County or a citizen.

c. The permittee shall report his findings to the Planning Director as soon as possible, but no later than one week after receiving a complaint, unless otherwise agreed to by the parties in question.

d. If the investigation of a complaint by the permittee indicates a possible violation, the permittee shall take prompt action to correct the potential problem.

e. If the problem persists, the person making the complaint may refer the matter to the County Planning Division through the formal complaint process.

20. Proof of Insurance

Prior to issuance of the Inaugural Zoning Clearance, and running for the life of the permit, the permittee shall provide evidence to the satisfaction of the Planning Director of liability insurance of not less than $500,000 for one person, $1,000,000 for all persons, and $2,000,000 for property damage. This requirement shall not preclude the permittee from being self-insured. These amounts may be adjusted annually by the Planning Director to reflect any increase or decrease in the purchasing power of the dollar during the life of the permit by utilizing changes in the Los Angeles-Anaheim-Riverside Consumer Price Index-All Urban Consumers as published by the U.S.
Department of Labor (1982-84 period=100) or its successor/substitute index.

21. Recorded "Notice of Land Use Entitlement" and Permit Summary

The permittee shall, within six (6) months of the issuance of the Inaugural Zoning Clearance, record the following information and/or documentation with the Office of the County Recorder:

a. Notice of Land Use Entitlement

The permittee and property owner of record shall sign, have notarized, and record, for the benefit of future purchasers of the permit site, a notice form, furnished by the Planning Division. The notice form shall state that the affected real property has been granted a land use permit for mining and reclamation which contains certain conditions (see Permit Summary which follows), for operation and reclamation of the property, and said purchaser of this real property should be aware of those conditions. A copy of such recorded form shall be returned to the Planning Division to be filed with, and made part of the case file.

b. Permit Summary

The permittee shall prepare and submit to the Planning Director for approval, a summary of this permit and the mining and reclamation activities. Upon said approval, the summary shall be recorded as part of the above referenced Recorded "Notice of Land Use Entitlement". Said summary shall not exceed 5 pages in length.

22. Days and Hours of Operation

The mining excavation, processing hauling shall be limited to no more than 312 days per calendar year and shall exclude Sundays and Holidays. The site shall operate only during daylight hours (except for maintenance or emergencies) in accordance with the following schedule of maximum normal and extended operating hours. Extended hours of operation shall be allowed, at the discretion of the permittee, for no more than sixty (60) days per year (refer to Condition 87 - Nighttime Lighting). All extended operations during any calendar year shall be recorded by the permittee and provided in the Condition Compliance Annual Report and Public Review (refer to Condition 6).
<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DAYS PER WEEK</th>
<th>NORMAL HOURS OF OPERATION</th>
<th>EXTENDED HOURS OF OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural activity</td>
<td>7</td>
<td>1 hour after sunrise to 1 hour before sunset *</td>
<td>No limit</td>
</tr>
<tr>
<td>Excavation</td>
<td>M-Sat</td>
<td>6:00 a.m. - 10:30 p.m.</td>
<td>10:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
</tr>
<tr>
<td>Processing</td>
<td>M-Sat</td>
<td>6:00 a.m. - 10:30 p.m.</td>
<td>10:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
</tr>
<tr>
<td>Maintenance</td>
<td>M-Sat</td>
<td>1 hour after sunrise to 1 hour before sunset *</td>
<td>Not Available for Extended Hours</td>
</tr>
<tr>
<td>Reclamation</td>
<td>M-Sat</td>
<td>6:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
<td></td>
</tr>
<tr>
<td>Trucks departing the site</td>
<td>M-Sat</td>
<td>6:00 a.m. - 6:00 p.m.</td>
<td>6:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
</tr>
<tr>
<td>Trucks arriving at the site</td>
<td>M-Sat</td>
<td>6:00 a.m. - 6:00 p.m.</td>
<td>6:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
</tr>
<tr>
<td>Nighttime dry cement delivery trucks (maximum of 4 deliveries)</td>
<td>M-Fri</td>
<td>6:00 p.m. - midnight</td>
<td>6:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
</tr>
<tr>
<td>Late return of ready mix trucks (TMC only)</td>
<td>M-Fri</td>
<td>6:00 p.m. - 7:00 p.m. for up to 36 ready mix trucks per day</td>
<td>7:00 p.m. - 6:00 a.m. (third shift up to 60 days per year)</td>
</tr>
</tbody>
</table>

* For the purposes of this condition, the "official" time for sunrise and...
for sunset shall be those published in a local newspaper of general circulation.

** Exception: The pit feeder and conveyor belt when used in conjunction with "processing" activities.

Except as noted above, trucks are prohibited from entering the project site before 6:00 a.m. and the permittee shall notify all vehicle operators of said opening time. Furthermore, the permittee shall advise all vehicle operators they are not permitted to stage their vehicles along the access roads to the project site. This has been a problem in the past as independent truckers stage their vehicles near the project site in an effort to gain early access to the facility (i.e., to be first in line). If, in the determination of the Planning Director, such staging repeatedly occurs, the Planning Director may require the permittee to patrol the access roads to the project site, during the early morning hours, in order to remove offending vehicles from the area.

Pursuant to Ventura County Ordinance Code Section 8107-9.6.12, the Planning Director's approval must be obtained for any temporary deviations from the above schedule prior to their implementation.

23. **Acceptance of Conditions**

Within thirty (30) calendar days of the approval date of this permit (i.e., by January 9, 1997), the permittee shall sign a written "Acceptance of Conditions" for this permit acceptable to the Planning Director. Said acceptance shall be in substantially the form presented below and acceptable to the Planning Director.

I hereby certify that I have read, understood, and now accept the Conditions of Approval for CUP-4633 and agree to follow said terms and conditions while I operate the use authorized by this permit. I further agree to make my successors-in-interest aware of these obligations prior to transferring my interest to them.

Permittee: Date:

Property Owner: Date:

24. **Civil Penalties**

In case of any failure by the permittee to perform or comply with any term or provision of this conditional use permit, the final decision-making authority that would act on the permit may, after notice to the permittee and a public hearing, determine by resolution
the amount of the civil penalty, not to exceed $25,000.00, to be levied against the permittee. Said penalty shall be paid within 30 days unless the penalty is under appeal. Failure to pay the penalty within the allotted time period shall be considered ground for suspension of the subject use, pursuant to the provisions of the Ventura County Ordinance Code, until such time as the penalty is paid. The payment of a civil penalty shall not insulate the permittee from liability in excess of the sum of the penalty for damages or injury or expense or liability suffered by the County of Ventura from any breach by permittee of any term or condition of said permit or of any applicable ordinance or of this security. Said penalty is separate from the penalties that the County may impose pursuant to SMARA. The amount of the civil penalty ceiling may be increased by the Planning Director to adjust for inflation.

25. Other Permit Requirements

No condition of this Conditional Use Permit for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules apply, the stricter ones shall take precedence.

26. Ventura County Ordinance Code Mining and Reclamation Requirements

This permit shall be subject to the Mining and Reclamation provisions of the Ventura County Ordinance Code contained in Section 8107-9, as it may be amended from time to time. If there is a conflict between these conditions and any amendments to Section 8107-9, then the more restrictive shall apply.

27. Other Regulations

The design, maintenance, and operation of the permit area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, and all such requirements and enactments shall by reference become conditions of this permit. In the event of conflicts between various requirements, the more restrictive requirements shall apply.

28. Proprietary Information

Proprietary information and/or trade secrets which are required to be submitted shall be so identified by the permittee, submitted apart from the other required materials, and confidentially maintained by the public agencies having access to it. Such information shall be requested only on an as needed basis only by the applicable County agency or department head.
"Proprietary information" includes but is not limited to information which the County determines would reveal production, reserves, or rate of depletion of the operations of the permittee. Any information which is not proprietary is a matter of public record.

29. Aerial Photograph of Site

At any time during the life of this permit, the Planning Director may request that the permittee provide the County with an aerial photograph of the permit area. The aerial photograph shall be at a scale of at least one (1) inch to 500 feet. The purpose of this photograph would be to facilitate the annual inspection and condition compliance review. At the discretion of the Planning Director, permittee may submit an area-wide alternative to site-specific aerial photographs, if said photograph is current and covers the areas affected.

30. Site Maintenance

The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous condition or unsightly conditions which are visible from outside the permitted area. All equipment and facilities not explicitly permitted in Condition 1 (Permitted Uses), shall be removed from the site prior to issuance of the Inaugural Zoning Clearance. Only equipment and materials which comply with Condition 1 (Permitted Uses), or are authorized by any subsequent amendments to this permit shall be stored on the property during the life of this permit.

31. Fencing

That at any time during the life of this permit the site shall be fenced for safety reasons when the Planning Director deems it necessary due to the proximity of residential of other conditionally permitted uses. The fencing shall be installed in accordance with a reasonable time schedule established by the Planning Director.

32. Signs

No signs shall be constructed, erected, or maintained on the property encompassed by this permit unless they are in compliance with the Ventura County Ordinance Code. Signs shall be posted at the beginning of and along Happy Camp Road, notifying the other users that mining related traffic may be using such routes. In addition, the entrance to the project site shall be posted with a sign providing information regarding hours of operation, including the telephone numbers for the office, 24-Hour Contact Person (refer to Condition 88), and Third Party 24-Hour Telephone Service (refer to Condition 89).
33. **Explosives Prohibited**

No explosives shall be stored or used on the permit site for any purpose.

34. **Disposition of Overlapping Boundary with CUP-4158**

Prior to issuance of the Inaugural Zoning Clearance, the permittee shall relinquish, by letter to the Planning Director, that northern 80 acre portion of CUP-4158, not approved for mining, that overlaps with the CUP-4633 boundary.

35. **Future Landscaping**

If the Planning Director deems it reasonable and necessary, due to the proximity of residential development, the excavated portion of the permit area shall be landscaped and/or screened from view in a manner consistent with the natural character of the area. This shall be accomplished pursuant to a reasonable time schedule established by the Planning Director, once the Director determines that landscaping or screening is necessary. If this is determined necessary, a landscape plan shall be prepared by a California registered landscape architect and in accordance with the County's Landscape Guidelines. Said plan shall be submitted, with the then current landscape review fee, to the Planning Director for review. The landscape plan shall include specifications and maintenance program and must be approved by the Planning Director prior to their implementation. Whenever practical, native or other drought-tolerant materials shall be used for landscaping and revegetation, unless their use would not provide effective and timely screening.

This condition is intended to afford the Planning Director discretion to require a reasonable amount of future landscaping should residential development subsequently encroach upon the project site and the Director determines screening of portions of the project is warranted. Implementation of this condition shall not conflict with the requirements of the approved **Reclamation Plan** (refer to Condition 111).

36. **Archaeological and Paleontological Resource Training**

Prior to the issuance of the inaugural Zoning Clearance, the permittee shall have a qualified archeologist instruct company personnel on identification of archaeological resources and the company's responsibility if such resources are uncovered during excavation. The permittee shall submit, to the Planning Director, written certification of completion of this training.

Prior to the issuance of the inaugural Zoning Clearance, the permittee shall have a qualified paleontologist shall instruct company personnel on identification of paleontological resources and the company's responsibility if such resources are
uncovered during excavation. The permittee shall submit, to the Planning Director, written certification of completion of this training.

If either archaeological or paleontological resources are uncovered during excavation, the permittee shall immediately notify the Planning Director and preserve the site until a qualified archaeologist or paleontologist recommends a plan for disposition of the site. The Planning Director shall provide written concurrence of such disposition.

37. Compliance with Ventura County Tree Protection Ordinance

The permittee shall comply with the Ventura County Tree Preservation Ordinance, as amended. Prior to removing or altering any tree within the protection of said ordinance, the permittee shall obtain a Tree Permit from the Planning Division. The permittee shall avoid grading and other construction activity in the drip lines of existing trees to be preserved. Tree replacement shall be in accordance with the provisions of the Ventura County Tree Preservation Ordinance.

38. Minimum Activity Setbacks from Sensitive Uses (Conditions 38 and 39 replaced by Condition 133)

No mineral extraction, mining facility, stockpiling of mineral resources, or related mining activities shall be located within a distance of a public or private property, resource or facility that would constitute a significant danger to such property, resource or facility. To achieve this, the following setbacks shall be followed unless a waiver is obtained pursuant to the provisions of the Ventura County Zoning Ordinance.

a. No processing equipment or facilities shall be located and no mining or excavation shall occur within the following setbacks:

   (1) 100 horizontal feet of any dedicated public street or highway.

   (2) 100 feet of any dwelling not accessory to the project.

   (3) 200 feet of any building used as a place of public assembly, institution, or school.

b. All structures, equipment, mining or excavation activities, and all temporary and permanent manufactured slopes, shall be setback from the permit boundary by at least 20 feet, except as noted in paragraph "a" above and in Condition 132 (Staking of Permit Boundary and Approved Mining Boundary) below.

c. For the life of this permit, all mining or excavation of material shall occur only in
areas within the “Mining Activity Areas” lines shown on Exhibit “7c” (Limits of Mining Activities and Pre-SMARA areas).

d. For the life of this permit, all permanent slopes shall be in accordance with the final contour lines shown on Exhibits “4a”, “4b”, and “4c”.

e. The minimum setbacks from the permit boundary to the closest project-related grading shall be calculated as discussed below. The slope angle ratios shall be calculated for any project-created slope located between the near edge of the relatively flatter floor of the mined area and nearest permit boundary. If no such project-created slope exists between the floor of the mined area and permit boundary, the average slope of the floor of the mined area shall be used. The Planning Director, in consultation with the Public Works Agency, shall resolve any uncertainty regarding the definition of terms, or over what area the slope calculations apply. Setbacks are based on height of the project-related slope:

1. If the area has a slope angle equal to, or flatter than 2½:1 (horizontal to vertical), the minimum setback shall be 20 feet, regardless of the vertical height of the slope.

2. If the area has a slope angle steeper than 2½:1 but equal to, or flatter than 2:1, the minimum setback shall be ½ the vertical height of the slope, but in no case less than 40 feet.

3. If the area has a slope angle steeper than 2:1 but equal to, or flatter than 1½:1, the minimum setback shall be equal to the vertical height of the slope, but in no case less than 60 feet.

4. If the area has a slope angle steeper than 1½:1, the minimum setback shall be 150% of the vertical height of the slope, but in no case less than 100 feet.

These setbacks are considered necessary to protect areas outside the permit boundary from potential head-cutting of the project related slopes due to long term erosion. These are not safety requirements to protect against gross slope instability, but rather, reflect the increased susceptibility of steep slopes, and of slopes with large vertical heights, to head-cutting due to long term erosion.

The above standards apply to all final reclamation slopes. The above setbacks may be reduced for temporary mining slopes by the Planning Director upon consultation with the Public Works Agency if the permittee furnishes a soils and geologic report that demonstrates adequate temporary slope stability such that a reduced setback from property lines is acceptable. Said report must be submitted to, and a decision made, by the Planning Director prior to any mining or spoils removal occurring within the
appropriate setback. The appropriate setback is determined by the angle and height of the temporary slope at that location as shown on the approved Reclamation Plan. Adequate slope stability is a safety factor of 1.5 or greater, and that head cutting and erosion from the proposed slopes exposed for up to 12 months would be minimal as determined by the Planning Director. Under no circumstances shall temporary or permanent slopes exceed 1.0:1 (vertical to horizontal) at any time at any location.

The annual SMARA report required by Condition 139 shall evaluate the setbacks, temporary and final cuts authorized by this Permit Adjustment. Any head cutting shall also be documented.

This condition only applies to those slopes regulated by SMARA. It does not include the following:

a. Any "pre-SMARA" slopes or disturbed areas as shown in Exhibit "7c" (Limits of Mining Activities and Pre-SMARA areas).

b. Activities permitted under CUP 1328

c. Activities permitted under CUP 4158 Permit Adjustment approved December 5, 1995.

39. **Minimum Grading Setbacks from Permit Boundary** (Replaced by Condition 133)
   See revised condition 38

40. **Staking of Permit Boundary and Approved Mining Areas** (Replaced by Condition 132)

Prior to issuance of Zoning Clearance 1 any mining or permit boundaries not previously designated with posts or stakes shall be identified as follows. Within 90 days of issuance of Zoning Clearance 1, all the mining and permit boundaries of CUP 4633 shall be identified as follows:

a. CUP boundary posts shall be installed as follows:

   (1) The posts shall be four inch square metal posts, six feet above grade, located every 1,000 feet, or at the CUP boundary corners, whichever occurs first. The "CUP boundary corners" means any change in the direction of the CUP boundary line.

   (2) Each four-inch square metal post shall be painted white and printed on one side, in black, with one inch high block letters that read "CUP 4633
BOUNDARY MARKER”. All posts shall be set in concrete with at least 24 inches of the post below grade.

b. The mining boundary stakes shall be installed as follows:

(1) The stakes shall be metal barbed wire fence stakes, four feet above grade, set every 100 feet, or at the mining boundary corners, whichever occurs first. The “mining boundary corners” means any change in the direction of the mining boundary line. The stakes shall be placed to a minimum depth of 24 inches.

(2) The metal barbed wire fence posts shall be painted florescent orange and include a two foot strip of orange surveyor’s tape tied at the top.

(3) No ground disturbance may occur outside the area defined by these mining boundary stakes except as shown on approved CUP Exhibits.

c. For all posts and stakes:

(1) A survey map shall be submitted to the Planning Director 120 days after issuance of Zoning Clearance 1, or 30 days after the last post or stake has been installed, whichever occurs first. This map shall show and identify all the posts and stakes including a table with coordinates for each post and stake.

(2) The posts and stakes shall be maintained until the financial assurance for the last mining phase shown on the Reclamation Plan has been returned to the Permittee by the Planning Director.

(3) The above schedule and requirements for posts and stakes may be changed to an alternative design or schedule if first approved by the County SMARA Coordinator.

The Planning Director may grant waivers to the above requirements if so requested by the operator. Waivers may be granted to address specific conditions such as curved boundaries, difficult to reach areas, the advisability of having outsets for operational reasons, etc. Any such requests and waivers shall be in writing.

Note: Staking is not needed for "Mining Activity Areas" shown in Exhibit 7c. These do not allow mining, but do allow accessory uses such as stockpiles, processing facilities and recycling etc.)
AIR POLLUTION CONTROL DISTRICT CONDITIONS

41. Facilities Subject to APCD Regulations

The facilities and associated equipment shall be constructed and operated in accordance with all applicable APCD rules and regulations, including Rule 50 (Opacity), Rule 51 (Nuisance), Rule 26 (New Source Review), and any specific equipment or process rules.

42. Authority to Construct/Permit to Operate

a. The permittee shall obtain an APCD Authority to Construct for any equipment required to have an APCD Authority to Construct prior to its construction and/or installation.

b. The permittee shall obtain an APCD Permit to Operate for any equipment required to have an APCD Permit to Operate.

c. The permittee shall comply with all applicable APCD rules and regulations, including any requirements of Authorities to Construct and Permits to Operate.

d. The permittee shall comply with all applicable state and federal air pollution regulations.

ENVIRONMENTAL HEALTH DIVISION CONDITIONS

43. Liquid Waste Section Permit - New Construction

Prior to the issuance of building permits for construction of any structures containing domestic plumbing fixtures, the permittee shall obtain a permit from the Liquid Waste Section of the Environmental Health Division for the design approval and installation of an onsite sewage disposal system.

44. Backflow Prevention Devices

Appropriate backflow prevention device(s) shall be installed on the potable (drinking) water supply system as deemed necessary by the Environmental Health Division and the water purveyor.
45. **Onsite Sewage Disposal Systems Plan**

Prior to making any changes in the existing approved septic system, the permittee shall submit a detailed site plan, drawn to scale (1" = 40'), showing the locations of all existing septic systems and the structures they serve and the existing substandard septic system(s) shall be repaired/replaced as deemed necessary by the Liquid Waste Section of the Environmental Health Division.

46. **LARWQCB Conformance**

All facility discharges shall be in conformance with the requirements of the Regional Water Quality Control Board, Los Angeles Region.

47. **Hazardous Waste Regulation**

The storage, handling, and disposal of potentially hazardous materials and wastes shall be in compliance with all applicable State regulations.

48. **Hazardous Waste Permit**

Prior to the issuance of Inaugural Zoning Clearance, the permittee shall provide proof of filing an application with the County Environmental Health Division for a Hazardous Waste Producers Permit.

49. **Hazardous Materials Storage Tanks**

Prior to the issuance of Inaugural Zoning Clearance, the permittee shall contact the Underground Tank Section of the Environmental Health Division and obtain all necessary permits for the installation, use, and operation of underground hazardous material storage tank(s).

50. **Domestic Waste Discharge**

Only "domestic sewage", as defined in the Ventura County Building Code Ordinance, shall be discharged into the onsite sewage disposal systems.

51. **Maintenance Water Discharge**

Wastewater from vehicle wash down and maintenance areas shall not be discharged into the onsite sewage disposal system nor onto the ground, except as permitted under Condition 46 (**LARWQCB Conformance**).
52. **Water Impoundments Design**

Water impoundments shall be designed and maintained in a manner that will not create mosquito breeding sources.

53. **Domestic Water**

An adequate supply of potable water shall be provided to the project.

54. **Hazardous Waste Contingency Plan**

Prior to the issuance of Inaugural Zoning Clearance, the permittee shall contact the Hazardous Materials Section of the Environmental Health Division and obtain all necessary permits.

**Note:** If hazardous materials in excess of 55 gallons, 500 pounds, or 200 cubic feet are to be stored onsite, a Business Emergency/Contingency Plan shall be submitted to and approved by the Hazardous Materials Section prior to the issuance of Inaugural Zoning Clearance.

55. **Easement Agreement**

Prior to the issuance of Inaugural Zoning Clearance, the permittee shall execute an offer to grant easement agreement to County Service Area 32 (CSA 32), a septic system maintenance district.

56. **Chemical Toilets**

Chemical toilet(s) and handwashing facilities shall be provided for on-site personnel and shall be maintained in a sanitary condition at all times, as determined by the Environmental Health Division.

**FIRE PROTECTION DISTRICT CONDITIONS**

57. **Access Roadway(s)**

An onsite street width of 20 feet with off-street parking shall be provided.

a. All weather access road/driveway suitable for use by a 20 ton Fire Protection District vehicle shall be provided and maintained.

b. The access roadway(s) shall be extended to within 150 feet of all portions of the
exterior walls of the first story of any building. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and acceptable to the Fire Protection District.

c. Access roads shall not exceed 15% grade.

d. All driveways shall be a minimum vertical clearance of 13 feet 6 inches (13' 6").

e. Approved turnaround areas or easements for fire apparatus shall be provided where the access road is 150 feet or farther from the main thoroughfare.

58. **Gate Controls**

Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the public roadway. The method of gate control shall be subject to review by the Fire Prevention District. A minimum clear open width of 15 feet in each direction shall be provided. If gates are to be locked, a Knox system shall be installed. Gate plan details shall be submitted to the Fire District for approval prior to issuance of the Inaugural Zoning Clearance.

59. **Address Numbers**

Prior to the issuance of Inaugural Zoning Clearance, the permittee shall install address numbers that are a minimum of 6 inches (6") high, use colors that contrast with the background, and are readily visible at night. Where structures are set back more than 250 feet (250') from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance. A plan shall be submitted to the Fire Protection District for review indicating the method in which buildings are to be identified by address numbers, names, or letters prior to the issuance of Inaugural Zoning Clearance.

60. **Fire Protection Plan**

a. Prior to the issuance of Inaugural Zoning Clearance, the permittee shall review existing Fire Protection Plan with the Fire Protection District to determine compliance with and adequacy of the Plan regarding the location of hydrants. On plans, show existing hydrants within 300 feet of the development.

b. Fire hydrants shall be installed and in service prior to the issuance of Inaugural Zoning Clearance and shall conform to the minimum standard of the County Water Works Manual.
c. All fire hydrants shall be painted yellow. Caps shall be painted blue.

d. Provide a reflective sign stating "Fire Hydrant" at all fire hydrants. Use minimum 4" letters. Sign shall be mounted on a pole, 10 feet high and 3 feet behind each fire hydrant.

e. Provide a 4 inch, NST, outlet and gate valve on all aboveground water storage tanks. Post sign at outlet "Fire Department Connection". Outlet and valve shall be within 3 feet of grade.

f. The permittee shall submit an updated water system plan for the project site.

61. Automatic Sprinklers

a. If any building(s) is to be protected by an automatic sprinkler system, plans shall be submitted, with payment for plan check, to the Fire Protection District for review.

b. Any new construction resulting in a structure greater than 5,000 square feet in area and/or 5 miles from the fire station shall be provided with an automatic fire sprinkler system in accordance with Ventura County Ordinance #14.

Note: Any existing building greater than 5000 square feet, if constructed without a valid building permit, shall be provided with an automatic fire sprinkler system in accordance with Ventura County Ordinance #14.

62. Building Plans

Prior to the issuance of inaugural Zoning Clearance, the permittee shall review with the Fire Protection District existing building plans for all A, E, I or H occupancies. Prior to constructing new A, E, I or H occupancy buildings, the permittee shall submit the building plans to the Fire District for plan check.

63. Installation of Fire Extinguishers

Fire extinguishers shall be installed in accordance with National Fire Protection Association Pamphlet #10. The placement of extinguishers shall be subject to review by the Fire Protection District.

64. Brush Clearance

All grass or brush exposing any structure(s) to fire hazards shall be cleared for a
distance of 100 feet prior to framing, according to the Ventura County Fire Protection Ordinance.

65. **Construction Requirements**

   The permittee shall obtain VCFD Form #126 "Requirements For Construction" prior to obtaining a building permit for any new structures or additions to existing structures.

66. **Uniform Fire Code**

   Prior to the issuance of Inaugural Zoning Clearance, the permittee shall obtain all applicable Uniform Fire Code permits.

67. **Hazardous Materials**

   All storage and use of hazardous materials shall be in accordance with the Uniform Fire Code.

68. **Spark Arrestors**

   Spark arrestors shall be installed on all naturally aspirated (i.e., non-turbo charged) internal combustion engines.

**PUBLIC WORKS AGENCY CONDITIONS**

69. **Pollution Prevention Program**

   Prior to issuance of the Inaugural Zoning Clearance, the permittee shall prepare and submit a Pollution Prevention Program to the Ventura County Water Resources Department and the Environmental Health Division for approval. At a minimum, said program shall consist of the following elements which are intended to minimize accidental spills of petroleum hydrocarbons within the permit area:

   a. Fuels, solvents and any other fluids that may contaminate soils, ground water or surface water shall be stored in the areas that have impervious floors and impervious sidewalls with sufficient capacity to contain accidental spills.

   b. Minimize the storage and amounts of any chemicals or liquids within the excavation pits or the drainage areas of the pits.

   c. Fueling operations and the maintenance and/or repair of vehicles and equipment at the mining area shall be conducted in areas with impervious surfaces. Procedures shall be implemented to reduce the risk of spillage of engine fluids.
Vehicles will be regularly inspected and leaks promptly repaired.

d. Develop and implement procedures and employee training programs to allow for a quick, effective response to any spills which may occur. Spills shall be immediately excavated and the contaminated soils shall be placed on a lined area. Contaminated soils shall then be properly disposed of in the manner prescribed by the Environmental Health Division.

70. Limitations on Mining Area, Depth and Slopes  (Replaced by Condition 137)

At no time shall mining or other excavation extend beyond the horizontal or vertical limits of the mining areas and excavation contours shown on the approved Exhibits "7a", "7b" and "7c". If groundwater is encountered at levels higher than expected, mining in that area shall cease and the area shall be backfilled so that groundwater is covered by a minimum of 5 feet of fill.

Refer also to Condition 82 (Maximum Allowable Disturbed Acres).

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

All final slopes shown on the approved Reclamation Plan shall meet both of the following criteria:

a. Have a slope safety factor of at least 1.5 for gross stability, and

b. Have a slope angle ratio of no steeper than 2:1 (horizontal to vertical).

The safety factor of 1.5 is designed to ensure the long term stability of a slope, based on the assumption that no maintenance is performed on the slope once the Reclamation Plan is complete. The minimum slope angle ratio of 2:1 is designed to minimize the long term erosion potential of the slope, provide for successful plating of the slope, and provide for passage of cattle and wildlife across the slope consistent with the post-reclamation open space uses of the site. Since these criteria are concerned with different issues, both criteria must be met or exceeded.

The slope angle ratio resulting from the above criteria may be modified by the Planning Director, in consultation with the Public Works Agency. Any decision by the Planning Director to modify the slope angle ratio shall only be made if the Planning Director concludes that the revised slope meets or exceeds the criteria described above.

The slope safety factors for the project slopes shall be determined by a qualified professional, acceptable to the Public Works Agency, as part of the Reclamation Plan
or any updates submitted to the County. Any slope with a slope angle ratio of 2.5:1 or less does not require a safety factor analysis, as the Planning Director will assume that the slope has a safety factor of at least 1.5.

72. **Limitations on Backfilling of Final Reclaimed Slopes**

Except for those conditions that exist at the time of this permit’s approval, at no time shall grading or excavation extend to elevations below those shown on the approved Reclamation Plan unless an alternative plan is approved, in writing, by the Planning Director. All of the following requirements must be met in order for the Planning Director, in consultation with the Public Works Agency, to approve alternative plans which allow backfilling in order to reach final grades shown on the Reclamation Plan:

a. The backfilling is undertaken in stages throughout the life of the project in order to prevent all or most of the backfilling from occurring at or near the end of the project mining/excavation activity, and

b. Adequate financial assurances are on deposit with the Planning Division to pay for the required backfilling, and

c. Adequate reserves (both in quantity and quality) are available for backfilling. The location of the material reserves must be identified to the satisfaction of the Planning Director, and must be shown to meet the requirements and standards of the Public Works Agency.

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

73. **Encroachment Permit**

Prior to any work being conducted within the County or State right-of-way, the permittee shall obtain an Encroachment Permit from the appropriate agency.

74. **Flood Control District Facility**

Prior to any work being conducted within a Ventura County Flood Control District facility, the permittee shall obtain a Watercourse Permit from the Ventura County Flood Control District.
75. **Flood Plain Management**

Prior to any work being conducted within the 100 year flood plain, the developer shall obtain a Flood Plain Development Permit pursuant to the provisions of the Flood Plain Management Ordinance No. 3841.

Pursuant to the Flood Plain Management Ordinance, the permittee shall not construct, locate, extend or alter any structure or land without full compliance with the terms and conditions of this ordinance and other applicable regulations.

76. **Post-Earthquake Seismic Inspections**

Immediately upon learning a Richter Magnitude 6.0 or greater earthquake occurred within a 50 kilometer radius of the site, the permittee shall cease mining operations in those areas susceptible to earthquake damage and/or related failures and, prior to resuming such mine operations, conduct seismic inspections of the project site, including slopes, berms, working face, and access roads. The purpose of these inspections is to ensure that hazardous conditions are not present in the working area of the mine and to provide recommendations for repair of any damaged areas of the mine. The findings of the seismic inspections shall be reported in writing to the Planning Director within 30 days. This requirement is in addition to the requirements specified in Condition 105 (Sediment Detention Basin Design) and Condition 110 (Slope Stability Analysis and Mitigation).

77. **Permeability of Refill Material** (Replaced by Condition PW4)

All refill and/or materials used in permanent placement of excavated/processed material at reclamation shall be subject to the following requirements. The term “refill” means material used to assist in bringing an area up to its final reclaimed grade, including any processed or imported material left on-site at reclamation but excluding structural fills required for development and topsoil and soil amendments as described in Condition 72:

a. Proposed Refill Materials — Refill material may be a mix of topsoil or sand (native material) and quarry spoils (silts and washed fines). Such material must reach an in-place percolation rate equal to or greater than results obtained from initial control samples of native soils previously submitted by the project consultant in a report dated May 16, 1994 by Hilltop Geotechnical. An alternative acceptable method would be percolation rates of 50 gallons per square foot per day or better on all percolation tests meant to certify placed refill or other permanent placements of material.
b. Field Testing of Refill Material – The permittee shall conduct field percolation tests of the areas where refill material is placed. One shallow percolation test shall be conducted for every two acres of area, at vertical intervals of not greater than every ten (10) vertical feet of placed refill material. In-place percolation tests on placed refill materials shall achieve percolation results equal to or better than undisturbed native soils, or the 50 gallons per square foot per day standard mentioned above. Areas where percolation rates of less than the specified infiltration or percolation volume are detected shall be removed with appropriate earth excavation equipment and reworked until satisfactory results are achieved, or replaced with more suitable refill material. A map of the project site, indicating all percolation test locations and elevations, shall be included in the Annual SMARA Report.

c. Refill Monitoring – Refill operations shall be monitored by an independent geotechnical firm hired by the mine operator. The County shall pre-approve the soil testing firm which shall provide annual written reports to the permit operator and the County to verify field test results and sampling frequency. In completing this work, the qualified soil testing firm must assign personnel who are experienced in all field testing and sampling procedures required by this condition. All work must be conducted under the supervision of a qualified State Licensed Geologist, Certified Engineering Geologist, or Registered Civil or Geotechnical Engineer.

d. Field Percolation Tests/Methods – Field percolation test methods shall be conducted following the guidelines and procedures as outlined in the Public Works Agency Waterworks Manual. These percolation tests shall be conducted per the frequency and interval as described in paragraph “b” and “c” immediately above. Under special circumstances, alternative percolation test borings may be accepted in place or in addition to shallow percolation tests as described above. The permittee must submit proposed plans for PWA review prior to implementation if this alternative method is selected. A summary of these test results shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition No. 80 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

II. SMARA-RELATED CONDITIONS

78. Annual Financial Assurances for Site Reclamation

Prior to issuance of the Inaugural Zoning Clearance, and annually thereafter as determined by the Planning Director, the permittee shall submit a financial surety in an amount and form acceptable to the Planning Director. This surety shall be sufficient to ensure the recovery by the County of costs to reclaim the site in accordance with the
approved reclamation plan and applicable requirements of SMARA and County ordinance codes, as they may be amended, if the permittee or landowner fail to reclaim the site. The surety shall be adjusted annually in accordance with accepted State and County guidelines for calculating current reclamation costs. These factors shall include, but not be limited to, existing disturbed acreage, acreage proposed to be disturbed during the following 12 months, site restoration, contingencies, administration, and inflation. This annual adjustment by the Planning Director shall be made after consultation with the permittee.

In case of a failure to conform or comply with any term or provisions of the reclamation plan or to correct off-site damage or problems resulting from the project, the final decision-making authority that would act on the permit may, after notice to the permittee and a public hearing, by resolution, declare all or part of the security forfeited in accordance with its provisions. No security shall be released until after all the applicable conditions of the reclamation plan have been met to the satisfaction of the Planning Director.

In order to determine the appropriate financial assurance, the permittee shall submit the Annual Status Report, as described in Condition 81 (Annual Status Report), to the Planning Division each year.

79. Site Reclamation per Surface Mining and Reclamation Act (SMARA), as Amended (Replaced by Condition 138)

The purpose of this condition is to ensure the reclamation of the project site in a manner consistent with the provisions of SMARA, the Ventura County Zoning Ordinance, the Ventura County General Plan, and the County Water Quality Management Plan (208 Plan), as they may be amended. In addition, this condition is designed to achieve the reclamation described throughout the Final EIR. (Refer to Condition 111 - Reclamation Plan.)

a. The Reclamation Plan (Exhibit "7a") for the permitted project requires reclamation, concurrent with ongoing mining. The plan shall consist of the following general provisions which shall be depicted, where applicable, on Exhibit "7a":

(1) The final "reclaimed" contours of the site and the benching design.

(2) The ultimate responsibility for reclamation of the permit area rests with the permittee.

(3) Prior to the expiration, abandonment, or revocation of the permit, the Reclamation Plan on file shall be reviewed by the responsible agencies to determine if natural conditions in the area have changed significantly enough
to warrant modifying the previously approved Reclamation Plan. If such modifications as recommended by the Planning Director cannot be mutually agreed upon by the Planning Director and the permittee, revisions to the Reclamation Plan will be subject to the permit modification process of the Ventura County Zoning Ordinance, with normal appeal rights to the Board of Supervisors.

(4) Unless otherwise specified in the approved Reclamation Plan, upon final reclamation, all mining related structures, facilities, improvements, stockpiles, surpluses, wastes, debris, and potentially hazardous features or conditions shall be removed or otherwise corrected.

(5) In implementing this Reclamation Plan, all applicable Federal, State, and local laws, ordinances, and regulations as amended shall be adhered to.

(6) Deviations or changes in the Reclamation Plan may be approved in writing by the County of Ventura upon the advice of applicable agencies. Any such changes shall be subject to the permit modification procedures of the Ventura County Zoning Ordinance then in effect.

(7) Reclamation shall only be deemed complete: (a) after it has been demonstrated to the satisfaction of the Planning Director that all facets of the Reclamation Plan, including revegetation and slope stability, have been implemented and are successfully established; and (b) the reclamation financial assurance required under SMARA has been returned to the permittee.

b. The Reclamation Plan shall conform to the following requirements in addition to the above referenced general reclamation requirements:

(1) As the final slopes, contours, and configurations of the excavated areas are reached, they shall be revegetated and/or stabilized in a manner consistent with the revegetation requirements of the Reclamation Plan.

(2) No undrained depressions remain except for water storage/recharge basins, drainage areas, or other uses authorized as a part of the Reclamation Plan.

(3) The slope contour requirements and the cross-sections specified in Exhibit "7b" shall be verified as required by Condition 80 (SMARA Annual Review for Compliance with SMARA and Permit Conditions).
80. SMARA Annual Review for Compliance with SMARA and Permit Conditions

a. Pursuant to State law, the County shall conduct an annual inspection in accordance with the requirements of SMARA, as amended. This inspection and related work shall be paid for through the SMARA compliance account discussed in Condition 14 (Permit Compliance Accounts and Billings).

b. In addition to the requirements of paragraph "a" above, the Planning Director or his designee shall inspect the site as needed to determine if the operation is in compliance with all permit conditions; whether there have been significant changes in environmental conditions; or if there is other good cause which would warrant the filing of an application for revocation/modification of the permit. The permittee shall pay for the costs associated with this permit condition inspection and compliance activities through the condition compliance account as established by Condition 14 (Permit Compliance Accounts and Billings). If an application for revocation and/or modification is filed, it shall be at the County’s expense and shall not occur without a duly noticed public hearing.

c. In implementing paragraphs "a" and "b" above, the Planning Director shall make available to any city, organization, or concerned party, the results of said investigations, including copies of the SMARA and condition compliance inspections, the results of the Mitigation Monitoring Program, and any and all other relevant information pertaining to this duty.

81. Annual Status Report (Replaced by Condition 139)

Annually, by the date specified by the Planning Director, the permittee shall submit 3 copies of the Annual Financial Assurance Report (AFAR) to the Planning Director as required by the then current SMARA Program. This report shall be used to establish the annual financial assurances as described in Condition 78 (Annual Financial Assurances for Site Reclamation). All time spent for review and approval of the AFAR shall be billed to the SMARA Compliance Account as established by Condition 14 (Permit Compliance Accounts and Billings).

The AFAR shall meet the requirements for such reports as determined by the Ventura County SMARA Coordinator at the time of AFAR preparation. Status reports submitted pursuant to this condition are informational only and are not considered a part of the approved Reclamation Plan unless the permittee has requested and obtained a permit modification for the revised Reclamation Plan as described in Condition 5 (Permit Modification).
III. IMPACT REDUCTION AND LAND USE COMPATIBILITY CONDITIONS

The following conditions are also required in association with the approval of CUP-4633. These conditions were recommended in the Final Environmental Impact Report (Final EIR) prepared for the project (SCH # 89032905, dated July 31, 1996). In the Final EIR, these conditions of approval were recommended to minimize many of those adverse impacts that were not significant enough to warrant a specific mitigation measure(s). If derived from Final EIR recommendations, the condition title is followed by an Final EIR source reference. Other conditions in this section were adopted by the decision-making body to further reduce impacts and/or in response to land use compatibility related issues. Conditions are listed by monitoring agency.

PLANNING DIVISION CONDITIONS

82. **Maximum Allowable Disturbed Acres** (Source: FEIR Section 3.5.2)

At any point in time, the area being actively mined shall not exceed 50 acres and the total disturbed acreage under CUP-4633 shall not exceed 220 acres. When disturbed acreage totals 220 acres, the permittee shall not proceed with new areas of excavation until reclamation, of acreage equivalent to or greater than the new areas of excavation, has been approved and initiated to the satisfaction of the Public Works Agency and the Planning Director.

83. **LCA Contract** (Source: FEIR Section 4.1.6)

Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall file a notice of non-renewal for LCA Contract 3-9.5.

84. **Avoidance/Protection of Ephemeral Drainages** (Source: FEIR Section 4.5.2-3)

Grading and excavation within the vicinity of the ephemeral drainage at the west side of the project site shall be completed in a manner that ensures drainage from all disturbed areas will flow towards the mine. To prevent erosion into the drainage to the west, 3 to 4-feet high earthen berms shall be placed along the excavated side of the drainage and seeded with annual grasses to ensure their integrity.

85. **Botanical Surveys** (Source: FEIR Section 4.5.2-5)

Prior to initiating any of the land disturbing activities within the Phase 3 area that are permitted under Condition 1.e. *(Permitted Uses)*, the permittee shall prepare a field survey plan that describes the methods and timing of field surveys to determine the presence of any sensitive plant species identified in the Final EIR. If a sensitive plant species is found in the Phase 3 area to be disturbed, the permittee shall prepare a
second plan that describes the methods for collecting seeds and/or transplanting plants from the Phase 3 area. The permittee shall submit the plan to the Planning Director for review and approval, in consultation with the California Department of Fish and Game. The permittee shall revise the plan in accordance with the comments received from the California Department of Fish and Game and as directed by the Planning Director. If no comments are received within 60 days from the California Department of Fish and Game, the Planning Director shall determine plan adequacy. Once approved, said plan shall be implemented pursuant to the terms described therein.

New plant populations of sensitive plant species, in similar numbers and areal extent, shall be established on portions of the CUP site that are unmined and will remain unmined. The plants shall be established by seed or transplanting following the procedures described in the plan. This plan shall also describe the relocation site conditions, performance criteria for seed germination and transplanting, monitoring methods, and contingency actions if the relocation fails. The replacement populations shall be monitored and protected from grazing for five years. The status of the replacement plant populations shall be reported to the County in the Annual Status Report (refer to Condition 81) for the mine. The Annual Status Report shall include written documentation of seed collection and plant re-establishment program, if avoidance of the sensitive plant species is not possible.

86. Windrow Planting (Source: FEIR Section 4.6.2)

The permittee shall plant and establish a windrow of large native trees near the lower retention basin (i.e., at the mouth of the canyon between the project site and Happy Camp Canyon Regional Park) in order to screen the mine from users in the low lying areas of the Happy Camp Canyon Regional Park.

87. Nighttime Lighting (Source: FEIR Section 4.8.2-3)

The permittee shall provide lighting for normal operations, maintenance and site security and for conveyor belt operation, processing and other areas to be lit during periods of nighttime processing. The permittee shall submit to the Planning Director, proposed nighttime lighting performance standards. Said performance standards shall indicate the areas to be lit and describe light designs, the range of wattages, how lighting will be shielded and directed to minimize off-site glare (i.e., particularly to the south and east), and other pertinent information. In preparing this information, the permittee shall consult with the Santa Monica Mountains Conservancy in order to incorporate the considerations needed to minimize impacts to nighttime star-gazers in Happy Camp Regional Park. Prior to the issuance of the Inaugural Zoning Clearance, the permittee must have first obtained Planning Director approval of the nighttime lighting performance standards. Because changes in the location of nighttime lighting
and specifications are anticipated during the life of the project, all changes shall be consistent with the approved performance standards, unless otherwise approved by the Planning Director.

Annually, the permittee shall consult with the Santa Monica Mountains Conservancy and the Ventura County Astronomical Society to obtain the annual schedules of nighttime star-gazing hikes in Happy Camp Canyon Regional Park. The permittee shall then make reasonable effort to avoid nighttime processing during those evenings.

Nighttime processing shall be limited to a maximum of 60 days per year, as authorized under Condition 22 (Days and Hours of Operation), unless otherwise authorized in advance by the Planning Director. If numerous complaints arise, the Planning Director may require the permittee to quarterly submit, for Planning Director review and approval, a schedule for nighttime processing related to authorized extended hours operations, or those activities that are programmable. Emergencies that relate to public health and safety do not require the submittal of a schedule. The permittee would then be required to limit nighttime processing to those days specified in the approved schedule, as it may be further amended, unless otherwise approved in advance by the Planning Director.

88. **24-Hour Contact Person** (Source: FEIR Section 4.8.2-3)

Prior to the issuance of the Inaugural Zoning Clearance, and annually thereafter in conjunction with Condition 80 compliance (**SMARA Annual Review for Compliance with SMARA and Permit Conditions**), the permittee shall provide the Planning Director with the current name and/or position title, address, FAX number, and phone number of the permittee's field agent and other representatives who shall receive all orders and notices as well as all communications regarding matters of condition and code compliance at the permit site. There shall always be such a contact person(s) designated by the permittee. If the address or phone number of the permittee’s agents should change, or the responsibility assigned to another person or position, the permittee shall provide the Planning Director with the new information at least 10 calendar days prior to making the change effective.

89. **Third-Party 24-Hour Telephone Service** (Source: FEIR Section 4.8.2-3)

Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall establish, at permittee cost, a third-party 24-hour telephone service to receive and log noise, night-lighting, dust, traffic, speeding trucks, unsafe truck operations, use of "jake brakes" and/or other complaints. In operating this service, the following requirements apply:
a. All residences and businesses adjacent to the project site or along the primary haul route (i.e., Happy Camp Road or Walnut Canyon Road), shall be notified in writing of the third-party 24-hour telephone service, its telephone number and intent. In addition, the number for the 24-hour telephone service shall be posted at the entrance to the project site. The telephone number currently placed on all permittee owned trucks shall be administered so as to result in the company representative immediately forwarding any complaint related calls to the third-party 24-hour telephone service.

b. The third-party telephone service shall maintain a log of all complaints and, once logged, shall immediately transfer the call to the permittee's 24-hour contact person who will address the complaint as appropriate.

c. In matters of vehicle safety, the permittee must respond in writing to the County Public Works Agency within 3 working days to each complaint, indicating the corrective action(s) taken. At the same time, a copy of this written response shall be sent to the Planning Director. If the County is not satisfied with the corrective actions and/or there is repeated complaints of a similar nature, the County shall investigate the issue and then meet with the permittee to resolve the issue. If there is a serious public nuisance or safety issue, and a satisfactory response is not forthcoming from the permittee, the County shall have the option to modify, suspend or revoke in the manner provided by the Ventura County Zoning Ordinance.

d. The permittee shall maintain, and make available to the Ventura County Planning Division upon request, a log of the timing and method of complaint disposition, and all related correspondence.

e. At the discretion of the Planning Director, the Planning Division may at any time review the complaint log, method of complaint disposition, and all related correspondence to determine if there is a need to modify this requirement.

f. At the discretion of the City Manager for the City of Moorpark, the City Manager may at any time review the complaint log, method of complaint disposition, and all related correspondence.

90. **Noise Standards and Noise Monitoring** (Source: FEIR Section 4.8.2-3)

To resolve noise complaints, the Planning Director may direct, at permittee expense, noise monitoring by the County or a County approved noise consultant. Such monitoring shall determine ambient noise levels in the immediate vicinity of project site and in close proximity to the residences and/or other sensitive receptors who have registered the noise complaint(s). Having established ambient noise levels, the County or the County's approved noise consultant will monitor project related noise to
determine if the project exceeds the following noise standards:

- $L_{eq}^{1H}$ of 55 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.

- $L_{eq}^{1H}$ of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.

- $L_{eq}^{1H}$ of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

If a noise exceedance is found to exist, the permittee shall take immediately steps to either cease the operations creating the noise exceedance, or implement noise control measures that effectively reduce noise levels to within prescribed noise standards.

Exceptions to Standards - Upon the written request of the permittee, the Planning Director may grant temporary exceptions to the noise standards, hours of operation and the conditions of a given permit provided it is deemed necessary because of a declared public emergency or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

Waivers of Standards - Where provisions exist for the waiver of ordinance requirements, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements relative to the sensitive use in question for the life of the permitted operations.

91. **Acoustically Upgraded Windows** (Source: FEIR Section 5.9)

The permittee shall participate in any reciprocal agreement between the City of Moorpark and the County of Ventura that is designed to reduce cumulative traffic noise along Walnut Canyon Road, within the northerly portion of the City of Moorpark. Said agreement should identify homes that would benefit from the installation of acoustically upgraded windows and, among those, homes that would benefit from the installation of an air conditioning unit. The cost of participation shall be based on the permittee's pro rata contribution to the traffic.

92. **Roadside Noise Barriers** (Source: FEIR Section 5.9)

The permittee shall participate in any reciprocal agreement between the City of Moorpark and the County of Ventura that is designed to reduce cumulative traffic noise impacts for those residences identified in the FEIR Section 4.8.2-3 as possibly
benefitting from the installation of a noise barrier wall. The cost of participation shall be based on the permittee’s pro rata contribution to the traffic.

93. **Vehicular Speed Limits/Enforcement** *(Source: FEIR Section 4.8.2-4)*

The permittee shall routinely advise all company and leased truck operators of the need to keep their vehicles within prescribed speed limits at all times. Independent truckers are to be held to the same requirement and, if found to be repeatedly violating the speed limit, shall be prohibited by the permittee from future use of the permitted facilities. If speeding problems persist, the Planning Director may find the need to consult with the permittee to identify what reasonable additional monitoring is required to assist in identifying the offending drivers.

94. **Other Road Improvements** *(Source: FEIR Section 4.8.2-4 and Project Description)*

a. **Happy Camp Road/Walnut Canyon Road Transition Improvements:** The permittee shall consult with the Public Works Agency who will identify whether changes are feasible in the road design at that location where the roadway transitions from Walnut Canyon Road to Happy Camp Road for northbound traffic. Funding for these repairs shall be incurred by the permittee in implementing the terms of Condition 121 *(Roadbed Maintenance and Repair Funds)*.

b. **Private Road Repair and Maintenance:** The permittee shall assume 100% responsibility for the reasonable repair and maintenance to the driving surface of the private road connecting Happy Camp Road to the project site. The permittee does not assume liability for use of said private road.

95. **Road Triangle Fencing** *(Source: FEIR Section 4.8.2-4)*

Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall consult with the owner of the triangular shaped parcel, bordered by Happy Camp Road, Walnut Canyon Road and Broadway, and determine whether that owner will permit the permittee to install and maintain a low level fence. The permittee shall then advise the Planning Director of this determination. If the owner permits, the permittee shall consult with the Public Works Agency and the California Department of Transportation (Caltrans) to determine setbacks, then shall install said fence, using a material acceptable to the Public Works Agency and Caltrans, to a height no greater than three feet. "No Parking" signs shall be installed every 50 feet along the fence, unless required otherwise by the Public Works Agency or Caltrans. If the owner does not permit, the permittee shall consult with the Planning Director to determine an alternative means of prohibiting parking within this area.
96. **Truck Identification Numbers**  (Source: FEIR Section 4.8.2-4)

All company owned and leased trucks shall be readily identifiable by a unique number that is sized and located on all four sides of the vehicle in order to be clearly visible to individuals wishing to make a complaint against a individual driver. Since the permittee has no direct control over the vehicles used by independent truckers, the permittee shall use the truck trip logs and the complaint logs (i.e., especially the time and date) to identify truckers against whom a complaint has been made and to resolve complaints.

97. **Warning Sign Sight Distance Evaluation**  (Source: FEIR Section 4.9.2-4)

To ensure there is adequate sight distance within the Grimes Canyon Road right-of-way, the permittee shall conduct an engineering evaluation of the Grimes Canyon Road/S.R. 118 intersection to determine how many of the trees should be removed. The results of this evaluation shall be provided to the Planning Director prior to the issuance of the Inaugural Zoning Clearance. The Planning Director will then determine what action needs to be taken, if any, in consultation with the Public Works Agency.

98. **Participation in Reciprocal Traffic Impact Mitigation Fee Agreement**  (Source: FEIR Section 4.9.3-2)

The permittee shall participate in any reciprocal traffic mitigation fee agreement between the City of Moorpark and the County of Ventura that is designed to reduce the cumulative traffic impacts. Said participation shall be based on the permittee’s pro rata contribution to the impacting traffic and shall be limited to the incremental addition to traffic (i.e., in addition to the “existing setting” of 1,050 one-way vehicle trips per day, of which 810 involve one-way trucks trips).

99. **Limitations on One-Way Heavy Truck Trips**  (as amended by the Board of Supervisors on December 10, 1996)

The number of heavy truck trips to and from the project site shall be limited as follows:

a. Monday through Friday, the permittee shall limit the number of heavy truck trips to and from the project site to an average of 980 one-way trips per day, as calculated using a rolling monthly average. Additionally, the permittee shall limit the number of heavy truck trips to and from the project site to a daily maximum of 1180 one-way trips.

Calculation: The permittee shall maintain daily trip records for all one-way heavy trucks trips. Monthly, the actual number of Monday through Friday one-way heavy truck trips shall be totaled, then divided by the number of authorized Monday through Friday work days that month. The resulting “Monday through Friday”
average for the month shall be added to the “Monday through Friday” averages
calculated for the preceding 11 months. This total shall then be averaged to
determine the “Monday through Friday” average for the previous twelve (12)
months. In this manner, the permittee will develop a "rolling monthly average"
reflective of seasonal market variations while at the same time ensuring the facility
operates within the overall one-way truck trip limit of 980, Monday through Friday.

b. Saturday, the permittee shall limit the number of heavy truck trips to and from the
project site to a maximum of 276 one-way trips per day, as calculated using a
rolling monthly average. Additionally, the permittee shall limit the number of heavy
truck trips to and from the project site to a daily maximum of 332 one-way trips.

Calculation: The permittee shall maintain daily trip records for all one-way heavy
trucks trips. Monthly, the actual number of Saturday one-way heavy truck trips
shall be totaled, then divided by the number of authorized Saturday work days that
month. The resulting “Saturday” average for the month shall be added to the
“Saturday” averages calculated for the preceding 11 months. This total shall then
be averaged to determine the “Saturday” average for the previous twelve (12)
months. In this manner, the permittee will develop a "rolling monthly average"
reflective of seasonal market variations while at the same time ensuring the facility
operates within the overall one-way truck trip limit of 276, Saturdays.

This limitation applies to all product trucks coming to and going from the site (full and
empty trucks). Trips within the project site or between areas of the project site (e.g.,
from an excavation area to the plant site) do not count against this ceiling. Employee
vehicles, service and maintenance vehicles do not count against this maximum.

At the request of the Planning Director, the permittee shall develop summary
information, documenting the number of one-way heavy truck trips that have occurred
over the period of time specified by the Planning Director. Said period of time shall not
exceed the preceding twelve (12) months.

PUBLIC WORKS AGENCY CONDITIONS

100. Water Supply (Source: FEIR Section 4.3.2-1)

To ensure a reliable and adequate water supply, the permittee shall annex the
remaining portion of the permit area into Ventura County Water Works District
(VCWWD) No. 1. Prior to the issuance of the Inaugural Zoning Clearance, the
permittee shall provide evidence of recordation of the Local Agency Formation
Commission (LAFCO) annexation of the permit boundaries (CUP 4633) into VCWWD
No. 1, and a statement from the District about providing reliable and adequate
supplies, derived solely from imported water, for the life of the permit issued.
101. **Use of On-Site Wells** (Source: FEIR Section 4.3.2-1 and an August 19, 1996 PWA Water Resources and Development Department memo from Lowell Preston to Lou Merzario in the RMA Planning Division, located in the case file)

a. In the future, if any existing on-site well(s) are proposed for use, and the wells are not presently registered with the Fox Canyon Groundwater Management Agency (GMA), the permittee shall register said well(s) with the GMA. At that time, the permittee shall submit a report describing the current and planned land use, and make formal application to the GMA for a groundwater extraction allocation (no assurances that such an allocation will be granted are implied). The permittee and property owner shall also submit an acknowledgment that no additional groundwater above the present GMA allocation will be needed. Any use of groundwater must first be approved by the GMA.

b. Pursuant to Ordinances 4 and 5 of the Fox Canyon GMA, no groundwater pumping may occur at the project site during mining or during reclamation, unless there is a change in these restrictions by the GMA sometime in the future.

102. **Water Conservation Measures** (Source: FEIR Section 4.3.2-1)

To reduce water use and to ensure effective water conservation practices are employed, the following water conservation measures shall be implemented:

a. Water discharge from the proposed sand and gravel washing operations shall be recycled on a routine basis (as in the current operations). Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall provide a letter of commitment to use the recycling process.

b. Pursuant to Ordinances 4 and 5 of the Fox Canyon GMA, no groundwater pumping may occur at the project site during mining or during reclamation.

c. To the extent feasible, the permittee shall use recycled water for watering roads, stockpiles, and processing equipment dust control. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall submit a study on the feasibility of purchasing and applying reclaimed water from local sources, including, but not limited to the cities of Simi Valley and Moorpark, and the County of Ventura.

d. All water recycling ponds shall be lined or sealed to prevent pollution of, or percolation into, area groundwater supplies. "Sealed" is defined herein to include "sealed by operation" wherein fines deposited during the operation of the water recycling ponds have been deposited to the point of having effectively rendered the ponds impermeable.
103. Protecting Aquifer Recharge Areas (Source: FEIR Section 4.3.2-2)

To maximize the potential for infiltration of runoff at the site, thus minimizing the potential for a reduction of recharge to the basin due to mining operations, the following measures shall be implemented:

a. Cut slope benches, drainage berms, and sediment detention basins shall be designed to maximize the potential infiltration of runoff by using the lowest acceptable gradients for runoff and avoiding the use of any impermeable channels or lining material within the sediment detention basin.

b. Topsoil from the site to be used in reclamation shall be characterized by a moderate to high permeability (at least equal to the pre-mining characteristics) that would approximate pre-project rates of infiltration. The permeability of topsoil to be used in reclamation shall be approved by the County prior to reclamation of each mining phase. Data on topsoil permeability shall be provided in the Reclamation Plans prepared by the permittee. Reclamation Plans must be approved by the County prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, and included in the SMARA-required Annual Status Report. (Refer to FEIR Mitigation Measure GG-2.)

c. All rock crushing activities and procedures that might generate fines, if located on the aquifer outcrop, shall be placed on a “sealed” surface that drains directly into the lined or “sealed” water recycling ponds, or into sediment retention basins.

104. Groundwater Quality - Standing Water (Source: FEIR Section 4.3.2-4)

To reduce the potentially adverse impact of standing water on groundwater quality (i.e., water standing in open mining pits and/or sediment detention basins), the permittee shall implement the following measures:

a. The retention time of water in these areas shall be minimized so as to be consistent with the sediment and flood water control design criteria for each sediment retention basin. The retention time of water in the mining pits and sediment detention basins shall be reduced by periodically removing fine soil and debris to allow for rapid percolation. The schedule and techniques for removal of fine soil and debris from these areas shall be determined by the RMA Planning Director, in consultation with the Groundwater Management Agency. Proposed schedules and techniques for the removal of fine soil and debris from these areas shall be documented and included in the Reclamation Plans prepared by the permittee. Reclamation Plans must be approved by the County prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities.
in Phase 2. This information shall be included in the SMARA-required **Annual Status Report** (refer to Condition 81). (Refer also to Condition 111 - Reclamation Plan.)

b. To reduce the use of District water and to minimize potential increases in total dissolved solids (TDS) resulting from evaporation, rainwater collected in the large unlined sediment detention basin located in the southeast portion of the site shall be pumped into the two waste water ponds for use in the mining operations.

### 105. Sediment Detention Basin Design (Source: FEIR Section 4.4.2)

The permittee shall demonstrate that the capacity and structural integrity of the existing sediment retention ponds are, at a minimum, able to adequately contain the sediments resulting from a 100-year event with a 75% scarified watershed. Documentation of the capacity and structural integrity of each sediment detention pond shall be prepared by a County approved registered civil engineer and submitted to the Public Works Agency for review and approval. Prior to the issuance of the Inaugural Zoning Clearance, the permittee must first receive Public Works Agency approval of the sediment detention basin design.

The permittee shall also provide documentation of the available capacity and structural integrity of all sediment detention basins as part of the **Annual Status Report** (refer to Condition 81) associated with the **SMARA Annual Review for Compliance with SMARA and Permit Conditions** (refer to Condition 80).

### 106. Clearing Sediment Plan (Source: FEIR Section 4.4.2)

Whenever the sediment has been deposited to the point where the capacity of any sediment detention basin on site is reduced by more than 10%; the permittee shall clear the basin(s) of accumulated sediment when conditions permit. Each year, sediments shall be cleared prior to 1 November to ensure there is adequate basin capacity prior to the winter season. Commencing in 1997, the permittee shall document sediment clearing in the **Annual Status Report** (Condition 81), and demonstrate sediment clearing in the **SMARA Annual Review for Compliance with SMARA and Permit Conditions** (refer to Condition 80).

### 107. Groundwater Quality - Water Well Abandonment (Source: FEIR Section 4.3.2-1 and a August 19, 1996 PWA Water Resources and Development Department memo from Lowell Preston to Lou Merzario in the RMA Planning Division, located in the case file)

To reduce potential adverse impacts on groundwater quality, resulting from the abandonment of water wells, all abandoned water wells shall be properly destroyed in
accordance with the standards outlined in Ventura County Ordinance No. 3991 and California Department of Water Resource Bulletin No. 74-9. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall provide the County Planning Division with documentation that abandoned wells have been properly destroyed. Separate permits for well destruction must be obtained from the Public Works Agency Water Resources Division prior to any such work.

ENVIRONMENTAL HEALTH DIVISION CONDITIONS

108. **Groundwater Quality Protection - Sediment Detention Basins and Septic Systems** (Source: FEIR Section 4.3.2-4)

To avoid unanticipated adverse impacts to groundwater quality due to the percolation of waste water from the sediment detention basins at the project site, the permittee shall provide the RMA Environmental Health Division with the results of the quarterly water quality samples (required under the Regional Water Quality Control Board’s (RWQCB) discharge requirements). If water quality samples exceed the maximum contamination level(s) set by local, state or federal agencies, the permittee shall immediately consult with the County and other agencies, as needed, to identify and implement the changes needed to comply with water quality standards.

109. **Groundwater Quality - Spill Prevention** (Source: FEIR Section 4.3.2-4)

To reduce the potential impact on groundwater quality associated with accidental spills of petroleum hydrocarbons and solvents at the new mining area, the following procedures shall be required:

a. The storage, handling, and disposal of potentially hazardous materials shall be in compliance with applicable State regulations which are enforced by the Environmental Health Division.

b. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall contact the Environmental Health Division and obtain all necessary permits for the installation, use and operation of underground hazardous materials storage tanks.

c. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall contact the Hazardous Materials Section of the Environmental Health Division and obtain all necessary permits.
IV. MITIGATION MONITORING PROGRAM CONDITIONS

The following Mitigation Monitoring Program Conditions serve to implement the mitigation measures identified in the Final Environmental Impact Report (EIR) prepared for the Transit Mixed Concrete Company Mining and Reclamation Plan (SCH # 89032905, dated July 31, 1996). The Final EIR was prepared in accordance with the provisions of the California Environmental Quality Act (CEQA).

These conditions constitute the Mitigation Monitoring Program for the project and were prepared in accordance with the provisions of Section 21081.6 of the California Public Resources Code, which requires public agencies to adopt a monitoring program of measures identified to mitigate or avoid the project’s significant effects on the environments. The Mitigation Monitoring Program Conditions include all of the mitigation measures contained in the Final EIR. In accordance with the provisions of Section 21081.6, these conditions have been developed to ensure the enforceability of the mitigation measures adopted as part of the project through the CEQA review process.

The results of the monitoring program shall be reported to the Planning Division, which is responsible for maintaining the overall reporting files. Any modification to the Mitigation Monitoring Program Conditions can only be made if: 1) the County of Ventura finds that the proposed condition modification does not result in a change in the FEIR conclusions and findings; or 2) a new environmental document is prepared to address the proposed modification. Each condition title is followed by an FEIR source reference.

These Mitigation Monitoring Program Conditions require the permittee comply with any additional measures that may be required as part of the permitting process of the California Department of Fish and Game, the USDI Fish and Wildlife Service, and various Ventura County agencies, most notably the Air Pollution Control District. These agencies were consulted during preparation of the Second Revised Draft EIR and have been provided with a copy of the Final EIR.

As presented in the Final EIR, these Mitigation Monitoring Program Conditions are grouped by issue area and each includes the following reporting topics:

**Condition:** A description of the requirements of the condition which often will identify the phase of the project during which the condition should be implemented. In many instances, the condition is expressed so as to require condition compliance "prior to" the implementation of a particular project phase.

**Implementation Responsibility:** Identifies the permittee, or successor in interest, as being responsible for implementing the condition.

**Monitoring Frequency:** Specifies when the condition is to be implemented; describes
the reporting, inspection or other related schedule; and prescribes how implementation is to be documented.

**Monitoring Work Program/Monitoring Agencies:** Describes the Ventura County department and/or agency with overall responsibility for monitoring. In some instances, a description of the associated program of work is provided.

**Standard of Success:** Describes the requirements for condition compliance which will often be in the form of subsequent inspections and/or approvals, usually on an annual basis. In some instances, success is achieved by completing a required action or by directly participating in or implementing another program or plan.

**GEOLOGY AND GEOHAZARDS**

**110. Slope Stability Analysis and Mitigation** (Source: FEIR Section 4.2.5, Mitigation Measure GG-1)

**Condition:** Prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, the permittee shall submit a slope stability analysis, conducted by a County approved registered geotechnical engineer and/or engineering geologist, that is acceptable to the Public Works Agency. The analyses shall include consideration of the stability of temporary cuts during mining operations, as well as stability of permanent reclaimed cut slopes after mining operations. The investigations shall include recommendations for mitigation of slope failure hazards such as slope configuration, safe excavation procedures, and use of standard engineering practices including buttressing, cut and fill excavation, and control of drainage on any newly exposed landslides. The Annual Status Report submitted to the County shall contain a summary of all activities conducted during the previous year pursuant to the recommendations in the slope stability report.

**Implementation Responsibility:** Permittee or successor in interest.

**Monitoring Frequency:** Prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2. Annual County inspections shall provide on-site observations of slope conditions. Annual Status Reports submitted by the permittee shall provide written documentation of slope hazard mitigation.

**Monitoring Work Program/Monitoring Agencies:** The Planning Division, in consultation with the Public Works Agency, shall be the monitoring agency.

**Standard of Success:** Approvals of the slope stability analyses for each phase, as well as Annual Status Reports (refer to Condition 81). All temporary and permanent
cuts and slopes are free of failure hazards, or shall be corrected if any hazards develop. No slope failures during the life of the permit.

111. Reclamation Plan (Source: FEIR Section 4.2.5, Mitigation Measure GG-2)

Condition: The permittee shall prepare, and submit to the County Planning Division, a revised revegetation plan (a component of the full Reclamation Plan) that: 1) incorporates the results of the 1993 and 1994 revegetation test plots; and 2) meets all applicable SMARA requirements, including but not limited to revegetation, topsoil management, protection of wildlife values, and any newly adopted standards for reclamation. Prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, the above said plan must be approved by the Planning Director.

Reclamation shall occur during the fall of each year in areas where mining is completed. Reclamation need not occur if there are no slopes that are mined to finished elevations and grades during a particular year. Mining shall be restricted to one phase at a time until marketable materials have been exhausted. Only one phase shall be mined at any time. Mining shall not move to a subsequent phase until reclamation has been initiated on the final slopes of the previous phase. The total amount of land being actively mined at any time shall not exceed 50 acres, and the total amount of disturbed land (including active mining areas, processing areas, roads, and stockpiles) in the CUP permit area shall not exceed 220 acres (refer to Condition 82 - Maximum Allowable Disturbed Acres). Disturbed lands that exceed these acreage limits must either: 1) be temporarily reclaimed with annual grass cover until these areas are mined again; or 2) reclaimed to final grade and vegetative conditions.

Once a year, an Annual Status Report shall be submitted to the County for review and approval. This report shall contain sufficient information to allow an annual County site inspection pursuant to SMARA, including but not limited to, an accurate map showing the disturbed acreage from the current year, boundaries of actively mined areas, processing facilities, stockpiles, and boundaries of reclaimed areas.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to mining activities in Phase 2. Annual County inspections shall provide on-site observations of reclamation performance and compliance. The DMG-required Annual Status Reports submitted by the permittee shall provide written documentation of compliance.

Monitoring Work Program/Monitoring Agencies: The Planning Division, in consultation with the Public Works Agency, shall be the monitoring agency.
Standard of Success: Approvals of the Reclamation Plans for each phase, including a revegetation element (refer to Condition 111- Reclamation Plan). Annual site visits (refer to Condition 80 - SMARA Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify reclamation performance is in compliance with the approved Reclamation Plans.

BIOLOGICAL RESOURCES

112. Revegetation Plan (Source: FEIR Section 4.5.5, Mitigation Measure B-1)

Condition: Prior to the issuance of the Zoning Clearance for each phase of mining, a revised revegetation plan (a component of the full Reclamation Plan) shall be submitted to the County Planning Division that incorporates the results of the 1993 - 1995 and subsequent revegetation test plots. The County shall review and approve the first revised revegetation plan prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, to ensure that it meets all applicable SMARA requirements, including but not limited to revegetation, topsoil management, protection of wildlife values, and any newly adopted standards for reclamation.

The permittee's revised revegetation plan shall include the following additional elements:

- Only a native shrub seed mixture shall be used. Seeds shall be collected on-site or from the Santa Susana Mountains if sufficient local seed is not available from native plant and seed retailers.

- A statement on why soil amendments are or are not required, based on the results of the 1993 and 1994 test plots.

- Procedures to avoid the inadvertent introduction of those species described as "non-native plants/escaped exotics" (refer to Appendix 6 of the Ventura County Landscape Design Criteria) during planting.

- A contingency plan to provide supplemental irrigation to newly-planted areas if the use of natural rainfall is determined to be insufficient, or there is one or more dry years that may threaten the survival of revegetated areas.

- Specific performance standards based on the information developed through the analysis of test plot results.

Implementation Responsibility: Permittee or successor in interest.
Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to mining activities in Phase 2. Annual County inspections will provide on-site observations of revegetation performance. Annual Status Reports submitted by the permittee will provide written documentation of revegetation success.

Monitoring Work Program/Monitoring Agencies: The Planning Divisions will be the monitoring agency.

Standard of Success: Approvals of the Reclamation Plans for each phase, including a revegetation element (refer to Condition 111- Reclamation Plan). Annual site visits (refer to Condition 80 - SMARA Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify reclamation performance is in compliance with the approved Reclamation Plans.

113. Oak Tree Avoidance Measures (Source: FEIR Section 4.5.5, Mitigation Measure B- 2)

Condition: The permittee shall avoid activities encroaching upon the oak trees in the large grove on the east side of the project site. Prior to initiating any of the land disturbing activities within the Phase 3 area that are permitted under Condition 1.e. (Permitted Uses), the permittee shall submit a plan to the County for review and approval, showing the boundary of the oak grove, describing how it will be marked in the field, and describing how avoidance during mining will be accomplished. Avoidance of this area will greatly reduce potential impacts to wildlife, including roosting raptors, as well as reducing the number of oak trees to be removed.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to initiating any of the land disturbing activities within the Phase 3 area that are permitted under Condition 1.e. (Permitted Uses). Annual County inspections will provide on-site observations of avoidance efforts. Annual Status Reports submitted by the permittee will provide written documentation of avoidance program.

Monitoring Work Program/Monitoring Agencies: The Planning Division, in consultation with the Public Works Agency, will be the monitoring agency.

Standard of Success: Approvals of the revised limits of mining for Phase 3. Annual site visits (refer to Condition 80 - SMARA Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify avoidance of the oak trees in the large grove on the east side of the project site.
114. Habitat Management and Compensation Plan (Source: FEIR Section 4.5.5, Mitigation Measure B-3)

**Condition:** The proposed project would result in the following significant impacts that cannot be mitigated to a less than significant level: 1) short-term loss and long-term degradation of 80 acres of coastal sage scrub and 7 acres of alluvial scrub at the mine site; 2) contributes to cumulative habitat loss; and 3) short-term loss and long-term degradation of wildlife populations at and near the mine site.

Based on the short-term and long-term cumulative nature of these impacts and the broad area adversely affected outside of the mine site, the permittee shall prepare a Habitat Management and Compensation Plan that provides for habitat enhancement and preservation efforts within Happy Camp Canyon Regional Park, or within the immediate area (i.e., within a 1 mile radius) of the project site. This Habitat Management and Compensation Plan shall be prepared by a qualified biologist, who is approved by the County and retained by the permittee. The Habitat Management and Compensation Plan shall include a description of permittee obligations and requirements that reasonably relate to the project related identified impacts described in the Final EIR and shall include an implementation summary and time schedule.

The Habitat Management and Compensation Plan shall describe long-term habitat enhancement and preservation measures commensurate with the long-term wildlife habitat impacts of the project (i.e., 146 acres of habitat being disturbed) through a renewal of 146 acres of native vegetation over the life of the permit. Potential enhancements may include, but not be limited to: 1) purchase and installation of wildlife guzzlers; 2) purchase and installation of fencing of sensitive areas; 3) purchase of an open space easement on adjoining lands that have habitat value; 4) fund revegetation efforts in disturbed areas of the mine site, particularly areas disturbed prior to 1976; and 5) dedication of land in fee.

The Habitat Management and Compensation Plan shall be submitted to the Planning Director for review and approval prior to the issuance of the Inaugural Zoning Clearance. Prior to its approval, the Habitat Management and Compensation Plan shall be made available to the Eastern Ventura County Conservation Authority (EVCCA) review and comment, as the Plan may relate to the Happy Camp Canyon Regional Park or other properties being managed by the EVCCA. Prior to its approval, the Habitat Management and Compensation Plan shall also be made available to the California Department of Fish and Game for review and comment.

The permittee shall implement, or cause implementation of, the Habitat Management and Compensation Plan in accordance with the schedule, obligations and requirements described therein.
Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: The Habitat Management and Compensation Plan shall be submitted to the Planning Director for review and approval prior to the issuance of the Inaugural Zoning Clearance.

Monitoring Work Program/Monitoring Agencies: The Planning Division will be the monitoring agency.

Standard of Success: Implementation of and compliance with a County approved Habitat Management and Compensation Plan.

VISUAL RESOURCES

115. **Visual Elements of Reclamation Plan** (Source: FEIR Section 4.6.5, Mitigation Measure V-1)

Condition: The Reclamation Plan shall be revised, prior to the issuance of the Inaugural Zoning Clearance, and prior to initiating mining activities in Phase 2, to include and/or emphasize the following elements in order to minimize the residual visual impacts of the reclaimed mine:

a. Use gradual and smoothed slopes to create gentle landscape features. Reclaimed slopes shall be graded to create a smooth transition with the adjacent, undisturbed slopes.

b. Revegetate with native plants that will provide the maximum biomass and areal coverage in order to minimize visual scars from bare soils.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, and prior to mining activities in Phase 2. Annual County inspections will provide on-site observations of revegetation performance. Annual Status Reports submitted by the permittee will provide written documentation of revegetation success.

Monitoring Work Program/Monitoring Agencies: The Planning Division will be the monitoring agency.

Standard of Success: Approvals of the Reclamation Plans for each phase, including a revegetation element (refer to Condition 111- Reclamation Plan). Annual site visits (refer to Condition 80 - SMARA Annual Review for Compliance with SMARA and Permit Conditions) and Annual Status Report (refer to Condition 81) verify
revegetation performance is in compliance with the approved Reclamation Plans.

AIR QUALITY

116. **Air Emissions Mitigation Plan** (Source: FEIR Section 4.7.5, Mitigation Measure A-1, as amended by the Board of Supervisors on December 10, 1996)

**Condition:** Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall submit an Air Emissions Mitigation Plan to the APCD for review and approval which shall contain the following elements:

**Ozone (O₃) Precursor Mitigation Measures**

a. At all times, O₃ precursor emissions shall be controlled by ensuring equipment and truck engines are maintained in good condition and in proper tune as per manufacturer’s specifications.

**PM₁₀ Mitigation Measures**

b. Wind speed monitoring by a stationary anemometer at a location approved by the APCD. Excavation and other dust producing activities shall cease when wind speeds exceed 30 mph average over one hour or during high wind events. High wind events are defined as wind of such velocity as to cause fugitive dust from within the permit area to blow off-site. At any point in time, if it is observed that fugitive dust is blowing off-site, additional watering activities shall be initiated. If watering is insufficient to prevent fugitive dust (i.e., during periods of extreme heat or winds), dust generating activities shall be immediately curtailed until the conditions abate. Mining activities and operations exempt from this condition are those associated with amelioration of either an on-site or off-site emergency.

c. Fugitive dust throughout the site shall be controlled by the use of a watering truck, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all on-site roads, stockpiles areas, actively excavated areas, and all areas that are temporarily inactive. To prevent fugitive dust, fugitive dust should, under most conditions, not be visible. Environmentally safe dust control agents may be used in lieu of watering.

d. All active storage piles shall be watered, as needed, or treated with environmentally safe dust control agents. The placement of wind fences, enclosures, or silos to control PM₁₀ may also be appropriate at some locations.

e. Inactive areas (i.e., 6 months or longer) shall be seeded with native grasses or other native groundcover, approved by the Planning Director, to encourage a
temporary vegetative cover to reduce wind erosion. All temporary seeding shall make use of the following seed mix and shall be applied at a rate of 20 pounds per acre (i.e., unless another seed mix/rate of application is proved more effective via on-site test plot/analysis and approved by the Planning Director):

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>COMMON NAME</th>
<th>PROPORTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eriogonum fasciculatum</td>
<td>California Buckwheat</td>
<td>50%</td>
</tr>
<tr>
<td>Lotus scoparius</td>
<td>Deer Weed</td>
<td>20%</td>
</tr>
<tr>
<td>Hemizonia kelloggii</td>
<td>Tarweed</td>
<td>25%</td>
</tr>
<tr>
<td>Lupinus longifloris</td>
<td>Bush Lupine</td>
<td>5%</td>
</tr>
</tbody>
</table>

Environmentally safe chemical stabilizers may be used on exposed areas which are not in use and not to the point of being revegetated. Note: Using chemical stabilizers on such areas has shown PM_{10} reduction efficiencies in excess of 90 percent. Additionally, by applying a compatible chemical stabilizer, post-revegetation can provide a continuous dust control efficiency of greater than 90 percent for revegetated areas.

f. The facility and all associated equipment shall be operated in accordance with all applicable APCD regulations.

g. The permittee shall ensure that all trucks leaving the site comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of aggregate and aggregate-related materials spilling onto public streets.

In addition, all trucks operated by the mine, and all trucks that visit the mine, must be free of loose soil, particularly around the fenders, wheels and axles. If necessary, the wheels and tires of trucks leaving the site shall be sprayed and washed free of loose dirt with water before the trucks leave the facility.

h. Haul trucks shall be limited to an on-site speed of 15 miles per hour. Signs indicating such shall be posted on-site and haul truck drivers shall be instructed not to exceed an on-site speed of 15 miles per hour.

i. Unpaved roads on the site shall be watered or treated with an environmentally safe chemical dust suppressant/palliative approved by APCD.
Asphalt Odor Reduction

j. To minimize asphalt odors during transport, all loaded asphalt trucks exiting the facility shall be fully covered with a well fitting tarp or other similar material.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: An Air Emissions Mitigation Plan shall be submitted to the County for review and approval prior to the issuance of the Inaugural Zoning Clearance. Annual County inspections pursuant to SMARA requirements will provide an opportunity to observe many of the mitigation measures, particularly those related to dust control on roads and for stockpiles.

Monitoring Work Program/Monitoring Agencies: The APCD will review and approve the Air Emissions Mitigation Plan and any required reports. The APCD will be the monitoring agency. In lieu of said monitoring by the APCD, a third party monitoring consultant, approved by the Planning Director, may be hired at permittee expense.

Standards of Success: APCD approval of the Air Emissions Mitigation Plan and verification of permittee compliance through monitoring by the APCD or a third party monitoring consultant.

117. Vehicle Emissions Mitigation Program (Source: FEIR Section 4.7.5, Mitigation Measure A-2, as amended by the Board of Supervisors on December 10, 1996 and administratively amended August 5, 1997)

Condition: The Air Pollution Control District (APCD) is considering preparing a Countywide Vehicle Emissions Mitigation Program (VEMP). If adopted by the Ventura County Air Pollution Control Board (APCB), the VEMP is intended to mitigate/reduce project-related reactive organic compounds (ROC) and nitrogen oxide (NOx) emissions (ozone precursors) that are net of the County’s CEQA Guidelines thresholds (i.e. 25 pounds per day for ROC and for NOx), to the maximum extent feasible, utilizing compressed natural gas/low emission vehicles or other equivalent techniques.

If the VEMP is approved by the APCB within five years of the issuance of the Inaugural Zoning Clearance for this project, the permittee shall be subject to the provisions of the VEMP. This project shall not be subject to a mobile emissions mitigation program until such time as a VEMP or equivalent program is adopted for the unincorporated area of Ventura County by the APCB. At the time of project approval, the VEMP is assumed to require the permittee to reduce mobile ROC and NOx through a combination of one or more of the following:
a. Use of low emission engines for product and on-site equipment.

b. Conversion of conventional engines or purchase of low emission vehicles/engines for use by non-project related vehicles.

c. Contributions to a Countywide or other mobile emissions reduction fund if such a fund is established by the APCB.

d. Other equivalent measures and/or programs approved by the APCB.

The permittee is encouraged to consult with and, to the extent feasible, work with any other organization, agencies, and/or parties, deemed appropriate by the permittee and the APCD, to design and implement the VEMP.

If the APCB adopts a Countywide VEMP as proposed, the Permittee’s total cost (Total Program Cost) for the VEMP shall not exceed $885,950. This cost is based on the California Air Resources Board’s estimate of the cost to scrap 1975-1981 automobiles (i.e., $13,000 per ton). The intent is to achieve an equivalent reduction in project-related mobile emissions, net of County CEQA Guideline thresholds, assuming 312 days operation per year (i.e., 46.7 pounds/day or 7.28 tons/year of ROC and 390.1 pounds/day or 60.86 tons/year of NOx). It is understood that the APCB, in adopting a Countywide VEMP, may reduce the permittee’s Total Program Cost in accordance with the adopted program. In addition, Total Program Cost may be a lesser amount if the permittee can demonstrate, to the satisfaction of the APCD, that:

- the VEMP has fully mitigated 46.7 pounds/day of ROC and 390.1 pounds/day for NOx; or

- total project-related ROC and NOx emissions subject to mitigation by the VEMP is less than 46.7 pounds/day of ROC and 390.1 pounds/day for NOx. Said demonstration must be based on actual project operations and shall be submitted to the APCD within one year of the approval of the VEMP by the Air Pollution Control Board.

Implementation Responsibility: Permittee or successor in interest.

Monitoring Frequency: Quarterly status/progress reports to the APCD describing tasks completed and progress made; permittee expenditures toward VEMP implementation; outstanding problems, concerns, or delays; and tasks to be completed during the next reporting period.

Monitoring Work Program/Monitoring Agencies: The APCB will review and approve the VEMP. The APCD will be the monitoring agency. In lieu of APCD monitoring, the
permittee may hire, at permittee expense, a third party monitoring consultant approved by the APCB.

**Standards of Success:** Permittee's successful participation in the APCB approved VEMP and subsequent compliance through monitoring by the APCD or a third party monitoring consultant.

**NOISE**

118. **Prohibit Jake Brakes** *(Source: FEIR Section 4.8.5, Mitigation Measure N-1)*

**Condition:** The permittee shall prohibit all TMC owned trucks, and those trucks contracted by TMC, from using "jake brakes" along Happy Camp Road and Walnut Canyon Road or within the City of Moorpark, except under emergency operating conditions. Independent truckers are to be held to the same prohibition and, if found to be repeatedly using "jake brakes" along the described route, shall be prohibited by the permittee from future use of the permitted facilities.

**Implementation Responsibility:** Permittee or successor in interest. The permittee must also acquire formal agreement from independent truck contractors to conform to the mitigation.

**Monitoring Frequency:** Prior to the issuance of the Inaugural Zoning Clearance, the permittee must provide evidence that all TMC truck operators have been informed of the restriction, and that formal agreements have been made with independent truckers (e.g., agreements that are part of the hauling contract, other binding agreement). If the County receives a complaint about the use of "jake brakes" by any trucks en route to or from the CUP-4633 project site, the Planning Division may require the permittee to fund an independent monitoring effort to detect the violators.

**Monitoring Work Program/Monitoring Agencies:** The Planning Division.

**Standards of Success:** Absence of complaints.

119. **Alternative Access Routes** *(Source: FEIR Section 4.8.5, Mitigation Measure N-2)*

**Condition:** Due to the increased truck traffic and cumulative noise along the streets of the City of Moorpark, particularly Walnut Canyon Road, and the need for various improvements to mitigate future traffic on these streets, as described in the City of Moorpark's Circulation Element, the permittee shall participate in any assessment district or other financing technique, including the payment of traffic mitigation fees, which the County of Ventura may adopt to fund or partially fund the proposed State Route 23 by-pass extension and/or easterly extension of Broadway. If such a district
or other mechanism is created, the permittee shall be required to pay only its pro-rata share of any assessment or other charges.

**Implementation Responsibility:** Permittee or successor in interest.

**Monitoring Frequency:** As needed, when a program is developed by the County.

**Monitoring Work Program/Monitoring Agencies:** The Planning Division, in consultation with the Public Works Agency, shall be the monitoring agency.

**Standards of Success:** Acquisition of funds from the permittee.

120. **Noise Monitoring Program for Walnut Canyon Road/Moorpark Avenue** (Source: FEIR Section 4.8.5, Mitigation Measure N-3)

**Condition:** Due to the increased truck traffic and cumulative noise along the streets of the City of Moorpark, particularly Walnut Canyon Road, the permittee shall contribute on a pro-rata basis to a City of Moorpark sponsored traffic noise monitoring program on Walnut Canyon Road/Moorpark Avenue if a reciprocal agreement is implemented between the County of Ventura and the City of Moorpark during the life of the permit. This reciprocal agreement shall be between the County of Ventura and the City of Moorpark to develop, fund, and implement a traffic noise monitoring and enforcement program designed to reduce traffic noise impacts on Walnut Canyon Road/Moorpark Avenue. If such an agreement is developed, the permittee shall be required to pay only its pro-rata share of any assessment or other charges.

**Implementation Responsibility:** Permittee or successor in interest.

**Monitoring Frequency:** As needed, when a program is developed by the County.

**Monitoring Work Program/Monitoring Agencies:** The Planning Division, in consultation with the City of Moorpark, shall be the monitoring agency.

**Standards of Success:** Acquisition of funds from the permittee and the development, funding, and implementation of a traffic noise monitoring and enforcement program designed to reduce traffic noise impacts on Walnut Canyon Road/Moorpark Avenue.

**TRAFFIC**

121. **Roadbed Maintenance and Repairs Fund** (Source: FEIR Section 4.9.5, Mitigation Measure T-1, and administrative changes dated July 31, 1997)
**Condition:** The permittee shall be responsible for the cost of extraordinary road maintenance and repairs of Happy Camp Road (i.e., that 0.5 mile portion from its intersection with Broadway and Walnut Canyon Road, north to Roseland Avenue) and Grimes Canyon Road (i.e., that 3.66 mile portion between Los Angeles Avenue [S.R. 118] and Broadway) within the County's jurisdiction. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall deposit, with the Public Works Agency, $4,094 into a revolving fund to be used, as-needed, for road maintenance and repairs on Happy Camp Road and Grimes Canyon Road. The Maintenance Division of the Public Works Agency shall periodically inspect the condition of the roads and advise the permittee of the needed road maintenance and repairs. The permittee has the option of performing the necessary road maintenance and repairs within 30 days, or allowing the County to utilize the revolving fund to affect said maintenance and repairs.

If the permittee elects to perform road maintenance and repairs, said maintenance and repairs shall be in accordance with Public Works Agency standards. If, in the determination of the Public Works Agency, road maintenance and repairs are not to Public Works Agency standards, the County may utilize the revolving fund to affect said maintenance and repair. When this occurs, the permittee shall supplement the revolving fund, in $4,000 increments, within 30 days of written request by the Public Works Agency.

If the permittee elects to have road maintenance and repairs performed by the Maintenance Division of the Public Works Agency, the revolving fund shall be used at the discretion of the Public Works Agency to make the necessary road maintenance and repairs. The permittee shall supplement the revolving fund, in $4,000 increments, within 30 days of written request by the Public Works Agency.

The roadbed maintenance and repair fee is based upon the assumption that project related traffic will contribute 9.3% to the traffic along the subject portion of Grimes Canyon Road and 23.2% to the traffic along the subject portion of Happy Camp Road. The roadbed maintenance fee shall be reviewed annually and will be increased or decreased based on the permittee's percentage use, actual maintenance and repair expenditures, and/or inspection of road conditions.

To determine the number of heavy truck trips associated with project operations, the permittee shall maintain daily trip records. Monthly, the total actual number of heavy truck trips shall be summed, then divided by the number of authorized work days that month to compute an average daily truck trips for the month. Each monthly total would be summed and average daily truck trips calculated for the previous twelve (12) months. In this manner, a "rolling average" will be developed that is reflective of seasonal market variations. These truck trip records shall be made available to the Planning Director and to the Public Works Agency for use in determining the permittee's percentage use as it relates to the calculation of this roadbed maintenance
Implementation Responsibility: The permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall submit $4,094 to the Public Works Agency to establish a road maintenance and repairs revolving fund. Other monitoring to occur on an as-needed basis.

Monitoring Work Program/Monitoring Agencies: The Public Works Agency.

Standard of Success: Acquisition of the funds from the permittee, on an as-needed basis, and the performance of road maintenance and repairs, as required.

122. Traffic Impact Mitigation Fee (Source: FEIR Section 4.9.5, Mitigation Measure T-2 and administrative changes dated July 31, 1997)

Condition: Pursuant to the Traffic Impact Mitigation Fee Ordinance (Ordinance #4071), the permittee shall pay a traffic impact mitigation fee based on the net increase in traffic above the "existing setting" condition. The net increase has been identified as being 170 average daily trips. Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall pay a traffic impact mitigation fee of $19,410.60 to the Public Works Agency. (Said fee is based on a fee rate of $114.18 for each additional average daily trip.)

Alternative: Prior to the issuance of the Inaugural Zoning Clearance, the permittee may formally request the Traffic Impact Mitigation Fee be delayed until such time as the number of vehicle trips exceeds those described in the Final EIR as being the "Existing Setting" (i.e., 810 one-way heavy truck trips and 240 employee/other one-way trips). If the permittee chooses this alternative, the permittee shall use the daily records of truck trips to develop monthly averages. Because they are logged daily, heavy truck trips will serve as a proxy for the total number of vehicular trips being experienced. To calculate vehicle trips, the permittee shall use the following method:

Monthly, the actual number of heavy truck trips shall be totaled, then divided by the number of authorized work days that month, thus identifying the average daily truck trips for the month. Each month, the permittee shall add the newly calculated average daily truck trips to the average daily truck trips calculated for the preceding 11 months. This total shall then be averaged to determine the average daily truck trips for the previous twelve (12) months. In this manner, the permittee will develop a "rolling average" reflective of seasonal market variations while at the same time ensuring the facility operates within the overall one-way truck trip limit.
of 810.

Under this alternative, it is the permittee’s monthly responsibility to ensure the average daily truck trips for the previous twelve (12) months do not exceed 810. If exceeded, this alternative shall expire and the permittee shall immediately pay a traffic impact mitigation fee of $19,410.60 to the Public Works Agency.

Implementation Responsibility: The permittee or successor in interest.

Monitoring Frequency: Prior to the issuance of the Inaugural Zoning Clearance, the permittee shall pay a traffic impact mitigation fee of $19,410.60 to the Public Works Agency, or shall formally request the Traffic Impact Mitigation Fee be delayed until such time as the number of vehicle trips exceeds those described in the Final EIR as being the "Existing Setting" (i.e. 810 one-way heavy truck trips and 240 employee/other one-way trips).

Monitoring Work Program/Monitoring Agencies: The Public Works Agency.

Standard of Success: Payment of the above described traffic impact mitigation fee.

______________________________________________________________

PERMIT ADJUSTMENT 1

Permit Adjustment 1 was approved October 9, 2000 to allow a redesign of the processing, maintenance and office facilities as well as to change the CUP boundary to reflect the approval of Parcel Map Waiver 943. These are reflected in PAJ 1 Conditions 123 through 151. The facility changes were never undertaken and none of the Permit Adjustment conditions were ever activated. As such, the PAJ 1 conditions are not listed here as they were never part of CUP 4633.
LU04-0168 (CEMEX)
Permit Adjustment Conditions

RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION

123. Previous Conditions and Exhibits

All previous conditions of CUP 4633 remain in effect except as modified by these conditions. All existing exhibits are replaced as noted in Conditions 124 and 135.

124. Approved Modification to CUP 4633

This approval authorizes the following modifications to CUP 4633:

a. Update CUP 4633 exhibits as noted below.
b. Modify CUP boundary to incorporate CUP 4158 into CUP 4633.
c. Update Mining and Reclamation Plan to reflect combined permit boundaries and changes to mining elevations and footprints.
d. Eliminate 56 Average Daily Trips allowed under CUP 4158.

This Permit Adjustment does not authorize mining, slope cuts or fills or other ground disturbance within Phase II. Such activities remain subject to the requirements of existing Condition 3.f.

The following are the exhibits listed in the CUP 4633 conditions approved on December 10, 1996 and the corresponding Exhibits in this Permit Adjustment which replace or modify those exhibits:

<table>
<thead>
<tr>
<th>1996 Exhibits for CUP 4633 Conditions</th>
<th>Replacement Exhibits per LU04-0168</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex 2 Regional Location Map (FEIR Fig 1)</td>
<td>Ex 2 Regional Location Map printed 11/18/04</td>
</tr>
<tr>
<td>Ex 3 None Approved</td>
<td>NA</td>
</tr>
<tr>
<td>Ex 4 Project Description Text (Final EIR Chapter 5.9, amending the Project Description in Final EIR Chapter 3), including the asphalt batch plant</td>
<td>Ex 4 Project Description Text April 6, 2007 as amended April 11, 2008 modifies Exhibit 4</td>
</tr>
<tr>
<td>Ex 5 Permit Boundary (Final EIR Fig</td>
<td>Ex 3 Permit Boundary</td>
</tr>
</tbody>
</table>
| Ex 6 Mining Areas (FEIR Fig 4 excluding Phase 3) | Mining and Rec Plan  
| Ex 7a Mining and Rec Plan 11/09/06  
| Ex 7b Mining and Rec Plan  
| Cross Sections 10/27/06  
| Ex 7c Limits of Mining Activity Areas  
| and Pre-SMARA Areas 4/22/09 |
| Ex 7 Mining Phases (Final EIR Figure 5, excluding Phase 3) | Ex 4a Mining Phase I dated 11/09/06  
| Ex 4b Mining Phase II dated 11/09/06  
| Ex 4c Mining Phase Cross Sections dated 10/27/06 |
| Ex 8 None Approved | Ex 6 letter dated 11/13/2006 re: Coast Horned Lizard Protection Measures  
| Ex 9 Detailed Facility Plan (FEIR Fig 11) | Ex 5 Detailed Facility Plan  
| printed 11/18/04  
| Ex 10 Access Routes (FEIR Figs 13 and 40, subject to change if by-pass built) | Ex 8 FEIR Fig 13 and 40, subject to change if by-pass built |
| Ex 11 Mining and Reclamation Plan (FEIR Fig 6) | Ex 7a, 7b and 7c  
| Ex 12 Cross Section, with Benching (FEIR Fig 7) | Ex 7b Mining and Rec Plan (dated 11/09/06)  
| Ex 13 None approved | NA  
| Ex 14 Site Drainage (FEIR Fig 9) | No Change |

125. **Replacement of Condition 1 (Permitted Uses)**

This condition replaces existing Condition 1 (Permitted Uses) in its entirety.

**Permitted Uses** (replaced by Permit Adjustment LU04-0168)

a. This permit is granted for the use of land for “Mining and Accessories Uses” consisting of the following:

1. Phase 1 and Phase 2 Mining and excavation in accordance with the approved Exhibits;

2. On-site processing of aggregate materials including sand and gravel sorting, screening, crushing and storage;

3. On-site concrete batch plant, including a back-up concrete batch plant and the chemical additive storage facilities;
(4) Portable combined road base plant and recycling plant;

(5) Mortar plant;

(6) Asphalt Batch Plant;

(7) Facilities, equipment and other accessory uses and appurtenances thereto, including but, not limited to, water recycling ponds, sediment retention basins, truck repair building, machine shop, water tank, scales, fuel service, stockpile areas, administration offices, bone yard, conveyor belt, lighting, security devices, and parking area;

(8) Reclamation of the site; and

(9) Access to and from the site as shown on Final EIR Figure "13" (Exhibit 8).

b. The permitted uses are limited to the descriptions contained in the following Exhibits and the uses described in these conditions of approval.

<table>
<thead>
<tr>
<th>Exhibit  &quot;2&quot;</th>
<th>Regional Location Map printed 11/18/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit  &quot;3&quot;</td>
<td>Permit Boundary printed 11/18/04</td>
</tr>
<tr>
<td>Exhibit  &quot;4&quot;</td>
<td>Project Description Text 4/6/07 as amended 4/11/08</td>
</tr>
<tr>
<td>Exhibit  &quot;4a&quot;</td>
<td>Mining Phase 1 dated 11/09/06</td>
</tr>
<tr>
<td>Exhibit  &quot;4b&quot;</td>
<td>Mining Phase 2 dated 11/09/06</td>
</tr>
<tr>
<td>Exhibit  &quot;4c&quot;</td>
<td>Mining Phase Cross Sections dated 11/09/06</td>
</tr>
<tr>
<td>Exhibit  &quot;5&quot;</td>
<td>Detailed Facility Plan printed 11/18/04</td>
</tr>
<tr>
<td>Exhibit  &quot;6&quot;</td>
<td>Letter dated 11/13/2006 re: Coast Horned Lizard Protection Measures</td>
</tr>
<tr>
<td>Exhibit  &quot;7a&quot;</td>
<td>Mining and Reclamation Plan printed 11/09/06</td>
</tr>
<tr>
<td>Exhibit  &quot;7b&quot;</td>
<td>Mining and Reclamation Plan Cross Sections printed 10/27/06</td>
</tr>
<tr>
<td>Exhibit  &quot;7c&quot;</td>
<td>Limits of Mining Areas and Pre-SMARA Areas printed 4/22/09</td>
</tr>
<tr>
<td>Exhibit  &quot;8&quot;</td>
<td>Access Routes (FEIR Figs 13 and 40 subject to change if bypass built)</td>
</tr>
</tbody>
</table>

c. The permittee shall undertake no operational or construction related activity which is not explicitly described in these conditions, or applicable Exhibits, without first contacting the Planning Director to determine if said activity requires a modification to the permit. A written description of the proposed activity may be required by the Planning Director prior to rendering a decision.
d. Mining shall only occur as specified by Exhibit “7a” (Mining and Reclamation Plan), “7b” (Mining and Reclamation Plan Cross-Sections) and “7c” (Limits of Mining Activities and Pre-SMARA Activities) and the permittee shall substantially conform with the phasing plan for the project described in Exhibit 7. This phasing plan may be altered if unforeseen conditions (e.g., perched groundwater, other) are encountered. Such alterations shall be subject to the written approval of the Planning Director prior to implementation.

e. **Phase 3 mining is not approved.** However, the Phase 3 area is included within the CUP boundary and may be used for plant operations and stockpiling purposes. Any future mining in Phase 3 must be authorized by a permit modification as noted in Condition 4 (Permit Renewal) and Condition 5 (Permit Modification). It is understood that phase boundaries do not define the precise limits of site disturbance and that it will be necessary for the reclamation activities from one phase to encroach into the adjoining phase in order to achieve the required 2 to 1 slope during reclamation. Therefore, as described in Condition 111 (Reclamation Plan), the permittee shall modify the reclamation plan to describe the post-mining conditions and the activities needed to achieve the required 2 to 1 slope along shared phase boundaries (i.e., the Phase 1 boundaries with Phases 2 and 3, and along the Phase 2 boundaries with Phases 1 and 3).

f. Rights, activities and/or structures other than those authorized by Condition 1 of this permit shall require a modification of this permit. Any modification to any exhibits or conditions shall be subject to the permit modification process and any applicable standards contained in the Ventura County Ordinance Code then in effect.

126. **Modification to Existing Condition 3 (Zoning Clearances and Other Time Bound Requirements)**

This condition modifies existing Condition 3 (Zoning Clearances and Other Time Bound Requirements) by adding the following:

a. **Zoning Clearance 1 (Start of Ground Disturbance)**

Zoning Clearance 1 (Start of Ground Disturbance) shall be issued prior to any ground disturbance by heavy equipment authorized under LU04-0168. Prior to issuance of Zoning Clearance 1 the Permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this Permit Adjustment:
b. Time Bound Requirements

The following conditions shall be implemented within specific time frames:

135 Delineation of Fines Storage Area – Within 60 days after issuance of Zoning Clearance 1.
132 Replace Condition 40 (Staking of CUP Boundary and Approved Mining Boundary) – Within 90 days after issuance of Zoning Clearance 1 (part)
132 Replace Condition 40 (Staking of CUP Boundary and Approved Mining Boundary) – Within 120 days after issuance of Zoning Clearance 1 (part)
PW4 Replacement of Condition 77 (Permeability of Refill Material)

130 Biological Studies – Within two weeks of disturbing new areas
PW3 Drainage Analysis – Prior to grading permit
PW7 Additions to Maintenance Facility – Zoning Clearance for any addition to maintenance area
EH2 Contact EHD-LUFT – Prior to issuance of Building Permits
PW1 Seismic/Geologic/Hydraulics Hazards – Prior to any earthwork outside designated mining boundary
PW11 Construction & Demolition Debris Waste Diversion Plan – Prior to issuance of Zoning Clearances for construction
PW12 Construction & Demolition Debris Waste Diversion Reporting Form – Prior to issuance of Permits

127. Acceptance of this Permit Adjustment

The Permittee’s acceptance of this Permit Adjustment and/or commencement of ground disturbance and/or operations authorized by this Permit Adjustment shall considered the applicant’s agreement with all terms of these conditions and exhibits.
128. **Condition Compliance/Financial Requirements/Limitations**

a. Prior to the issuance of Zoning Clearance 1, all Permit Adjustment processing fees owed to that date must be paid. After issuance of Zoning Clearance 1, any final billed processing fees must be paid within 30 days of the billing date.

b. As a condition of issuance and use of this Permit Adjustment, modification or renewal of the underlying CUP 4633, the Permittee agrees to:

(1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this Permit Adjustment or the manner in which the County is interpreting or enforcing the conditions of the Permit Adjustment; and

(2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of or resulting from any such action.

(3) Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend and hold harmless the County, its officers, agents, and employees, from any and all claims, demands, costs, expenses, including attorney's fees, judgments or liabilities arising out of the construction, maintenance, or operations described herein under Condition 124 (Approved Modification), as it may be subsequently modified pursuant to the conditions of this Permit Adjustment.

c. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

d. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by Code of Civil Procedures Section 1094.6 or other applicable law, this Permit Adjustment shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication or other mitigation measure being challenged.
129. Changes to Environmental or Permit Adjustment Findings

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

130. Biological Studies

No more than two weeks prior to the disturbance of the newly added areas indicated on Exhibit 6, a qualified biologist will survey the areas in question for the presence of coast horned lizard. If found, specimens will be relocated to suitable habitat in the nearby area, outside the mining boundary. Once surveyed silt fencing will be placed along the outer boundaries of these areas to prevent reentry. A report of this study will be supplied to the Planning Division and the California Department of Fish and Game prior to any disturbance of the areas in question.

131. Surrender of Truck-Trips

Approval of this modification surrenders the 58 one-way truck trip entitlement of CUP-4158, without an increase in the permitted mining production level, total volume of material to be removed over the life of the project, average daily truck trips, or total annual truck trips allowed under CUP-4633.

132. Replacement of Condition 40 (Staking of Permit Boundary and Approved Mining Boundary)

This condition replaces existing Condition 40 (Staking of Permit Boundary and Approved Mining Areas) in its entirety.

Prior to issuance of Zoning Clearance 1 any mining or permit boundaries not previously designated with posts or stakes shall be identified as follows. Within 90 days of issuance of Zoning Clearance 1, all the mining and permit boundaries of CUP 4633 shall be identified as follows:

a. CUP boundary posts shall be installed as follows:
(1) The posts shall be four inch square metal posts, six feet above
grade, located every 1,000 feet, or at the CUP boundary
corners, whichever occurs first. The “CUP boundary corners”
means any change in the direction of the CUP boundary line.

(2) Each four-inch square metal post shall be painted white and
printed on one side, in black, with one inch high block letters that
read “CUP 4633 BOUNDARY MARKER”. All posts shall be set
in concrete with at least 24 inches of the post below grade.

b. The mining boundary stakes shall be installed as follows:

(1) The stakes shall be metal barbed wire fence stakes, four feet
above grade, set every 100 feet, or at the mining boundary
corners, whichever occurs first. The “mining boundary corners”
means any change in the direction of the mining boundary line.
The stakes shall be placed to a minimum depth of 24 inches.

(2) The metal barbed wire fence posts shall be painted florescent
orange and include a two foot strip of orange surveyor’s tape
tied at the top.

(3) No ground disturbance may occur outside the area defined by
these mining boundary stakes except as shown on approved
CUP Exhibits.

c. For all posts and stakes:

(1) A survey map shall be submitted to the Planning Director 120
days after issuance of Zoning Clearance 1, or 30 days after the
last post or stake has been installed, whichever occurs first.
This map shall show and identify all the posts and stakes
including a table with coordinates for each post and stake.

(2) The posts and stakes shall be maintained until the financial
assurance for the last mining phase shown on the Reclamation
Plan has been returned to the Permittee by the Planning
Director.

(3) The above schedule and requirements for posts and stakes may
be changed to an alternative design or schedule if first approved
by the County SMARA Coordinator.
The Planning Director may grant waivers to the above requirements if so requested by the operator. Waivers may be granted to address specific conditions such as curved boundaries, difficult to reach areas, the advisability of having outsets for operational reasons, etc. Any such requests and waivers shall be in writing.

Note: Staking is not needed for "Mining Activity Areas" shown in Exhibit 7c. These do not allow mining, but do allow accessory uses such as stockpiles, processing facilities and recycling etc.)

133. Replacement of Conditions 38 (Minimum Activity Setbacks from Sensitive Uses) and 39 (Minimum Grading Setbacks from Permit Boundary)

This condition replaces existing Condition 38 (Minimum Activity Setbacks from Sensitive Uses) and Condition 39 (Minimum Grading Setbacks from Permit Boundary) in their entirety.

No mineral extraction, mining facility, stockpiling of mineral resources, or related mining activities shall be located within a distance of a public or private property, resource or facility that would constitute a significant danger to such property, resource or facility. To achieve this, the following setbacks shall be followed unless a waiver is obtained pursuant to the provisions of the Ventura County Zoning Ordinance.

a. No processing equipment or facilities shall be located and no mining or excavation shall occur within the following setbacks:

   (1) 100 horizontal feet of any dedicated public street or highway.

   (2) 100 feet of any dwelling not accessory to the project.

   (3) 200 feet of any building used as a place of public assembly, institution, or school.

b. All structures, equipment, mining or excavation activities, and all temporary and permanent manufactured slopes, shall be setback from the permit boundary by at least 20 feet, except as noted in paragraph "a" above and in Condition 132 (Staking of Permit Boundary and Approved Mining Boundary) below.

c. For the life of this permit, all mining or excavation of material shall occur only in areas within the "Mining Activity Areas" lines shown on Exhibit "7c" (Limits of Mining Activities and Pre-SMARA areas).
d. For the life of this permit, all permanent slopes shall be in accordance with the final contour lines shown on Exhibits "4a", "4b", and "4c".

e. The minimum setbacks from the permit boundary to the closest project-related grading shall be calculated as discussed below. The slope angle ratios shall be calculated for any project-created slope located between the near edge of the relatively flatter floor of the mined area and nearest permit boundary. If no such project-created slope exists between the floor of the mined area and permit boundary, the average slope of the floor of the mined area shall be used. The Planning Director, in consultation with the Public Works Agency, shall resolve any uncertainty regarding the definition of terms, or over what area the slope calculations apply. Setbacks are based on height of the project-related slope:

1. If the area has a slope angle equal to, or flatter than 2½ to 1 (horizontal to vertical), the minimum setback shall be 20 feet, regardless of the vertical height of the slope.

2. If the area has a slope angle steeper than 2½ to 1 but equal to, or flatter than 2 to 1, the minimum setback shall be ½ the vertical height of the slope, but in no case less than 40 feet.

3. If the area has a slope angle steeper than 2 to 1 but equal to, or flatter than 1½ to 1, the minimum setback shall be equal to the vertical height of the slope, but in no case less than 60 feet.

4. If the area has a slope angle steeper than 1½ to 1, the minimum setback shall be 150% of the vertical height of the slope, but in no case less than 100 feet.

These setbacks are considered necessary to protect areas outside the permit boundary from potential head-cutting of the project related slopes due to long term erosion. These are not safety requirements to protect against gross slope instability, but rather, reflect the increased susceptibility of steep slopes, and of slopes with large vertical heights, to head-cutting due to long term erosion.

The above standards apply to all final reclamation slopes. The above setbacks may be reduced for temporary mining slopes by the Planning Director upon consultation with the Public Works Agency if the permittee furnishes a soils and geologic report that demonstrates adequate temporary slope stability such that a reduced setback from property lines is acceptable. Said report must be submitted to, and a decision made, by the Planning Director prior to any
mining or spoils removal occurring within the appropriate setback. The appropriate setback is determined by the angle and height of the temporary slope at that location as shown on the approved Reclamation Plan. Adequate slope stability is a safety factor of 1.5 or greater, and that head cutting and erosion from the proposed slopes exposed for up to 12 months would be minimal as determined by the Planning Director. Under no circumstances shall temporary or permanent slopes exceed 1.0:1 (vertical to horizontal) at any time at any location.

The annual SMARA report required by Condition 139 shall evaluate the setbacks, temporary and final cuts authorized by this Permit Adjustment. Any head cutting shall also be documented.

This condition only applies to those slopes regulated by SMARA. It does not include the following:

1. Any "pre-SMARA" slopes or disturbed areas as shown in Exhibit "7c" (Limits of Mining Activities and Pre-SMARA areas).

2. Activities permitted under CUP 1328

3. Activities permitted under CUP 4158 Permit Adjustment approved December 5, 1995.

134. Site Reclamation per Surface Mining and Reclamation Act (SMARA), as Amended

a. The Reclamation Plan and any amendments shall be consistent with the Surface Mining and Reclamation Act of 1975 and its associated regulations, the Ventura County Non-Coastal Zoning Ordinance Section 8107-9 (Mining and Reclamation) and the County General Plan.

b. The Reclamation Plan and any amendments shall be submitted to the Lead Agency in a 3-ring binder with an Introduction, Table of Contents and individual tabs.

c. The SMARA Reclamation Plan for this project is designed to implement the CUP design and conditions consistent with the California Surface Mining and Reclamation Act (SMARA) as amended from time to time. As such, all amendments to the Reclamation Plan shall be reviewed by the Planning Director to determine if the amendment is a large enough change to the CUP to first require modification of the CUP under the provisions of the Ventura County Non-Coastal Zoning Ordinance then in effect.
This condition only applies to those slopes regulated by SMARA and does not include any "pre-SMARA" slopes or disturbed areas.

135. **Delineation of Fines Storage Area**

Within 60 days of issuance of Zoning Clearance 1, the permittee shall submit a plan that details the fines storage area as shown on the Mining and Reclamation Plan Exhibit 7A. Said plan shall include the existing and maximum footprint, volume and contours of the area.

136. **Replacement of Condition 2 (Time Limits)**

This condition replaces existing Condition 2 Time Limits in its entirety.

**Time Limits**

a. **Use Inauguration**

This permit shall expire and become null and void if the Inaugural Zoning Clearance (Condition 3 **Issuance of Zoning Clearances**) has not been issued within nine months of the granting of this Conditional Use Permit (i.e., by September 10, 1997). Failure of the County to notify the permittee of the permit’s imminent expiration shall not be grounds for the continuation of the permit beyond this deadline. At the discretion of the Planning Director, a one year extension to obtain the Inaugural Zoning Clearance may be granted if the permittee can demonstrate, to the satisfaction of the Planning Director, that diligent progress has been made toward inauguration of use, and the permittee has requested the extension in writing.

b. **Expiration of Permit**

This permit shall expire twenty (20) years after approval of this permit (i.e., December 9, 2016).

c. **Expiration of Permitted Uses Exclusive of Complete Reclamation**

The mining, processing, storage, or transport of any material on this site shall end when any of the following occurs:

1. The permitted use has been abandoned, discontinued, or terminated for a period of one year, unless the permittee: a) advises the Planning Director in writing of its intent to submit an interim management plan pursuant to SMARA (Public Resources Code Section 2770(h); and b) the
permittee submits an interim management plan within 90 days of the surface mining operation becoming "idle" as defined in Public Resources Code Section 2727.1; or

(2) Expiration of the interim management plan; or

(3) The excavation contours shown on Exhibit "7a" and benching details shown on Exhibit 7b\textsuperscript{th} have been reached; or

(4) The term of this permit has expired and the permit has not been renewed (i.e., on December 9, 2016).

d. Expiration of Permit Upon Conclusion of Complete Reclamation

(1) This permit shall expire when reclamation is complete. "Complete" reclamation is defined as that point in time when the requirements of the approved Reclamation Plan (Exhibits "7a" and "7b" and Condition 78 Annual Financial Assurances for Site Reclamation) have been met, and the final financial assurance required by SMARA is returned to the permittee.

(2) All conditions of this permit shall remain in effect until the Reclamation Plan is deemed "complete", even though the operational aspects of mining have ceased pursuant to paragraph "c" immediately above.

(3) In the event that reclamation has not been completed before this permit has expired (i.e., by December 9, 2016, then the permittee, or successor in interest, shall submit either:

(a) A revised reclamation plan which provides a complete plan for reclamation of the site within 24 months; or

(b) A permit modification application requesting to continue the mining operation (see Condition 5 Permit Modification). In either case, the revised plans shall be processed by the Planning Division as a permit modification.

e. Interim Management Plan

In the event that the permitted use is abandoned, discontinued or terminated for a period of more than one year, but less than five years, the permittee shall file and implement an interim management plan in accordance with the provisions of SMARA.
137. **Replacement of Condition 70 (Limitations on Mining Area, Depth and Slopes)**

This condition replaces existing Condition 70 (Limitations on Mining Area, Depth and Slopes) in its entirety.

**Limitations on Mining Area, Depth and Slopes**

At no time shall mining or other excavation extend beyond the horizontal or vertical limits of the mining areas and excavation contours shown on the approved Exhibits "7a", "7b" and "7c". If groundwater is encountered at levels higher than expected, mining in that area shall cease and the area shall be backfilled so that groundwater is covered by a minimum of 5 feet of fill.

Refer also to Condition 82 (Maximum Allowable Disturbed Acres).

138. **Replacement of Condition 79 (Site Reclamation per Surface Mining and Reclamation Act (SMARA), as Amended)**

This condition replaces existing Condition 79 (Site Reclamation per Surface Mining and Reclamation Act (SMARA), as amended in its entirety.

**Site Reclamation per Surface Mining and Reclamation Act (SMARA), as Amended**

The purpose of this condition is to ensure the reclamation of the project site in a manner consistent with the provisions of SMARA, the Ventura County Zoning Ordinance, the Ventura County General Plan, and the County Water Quality Management Plan (208 Plan), as they may be amended. In addition, this condition is designed to achieve the reclamation described throughout the Final EIR. (Refer to Condition 111 - Reclamation Plan.)

a. The Reclamation Plan (Exhibit "7a") for the permitted project requires reclamation, concurrent with ongoing mining. The plan shall consist of the following general provisions which shall be depicted, where applicable, on Exhibit"7a":

(1) The final "reclaimed" contours of the site and the benching design.

(2) The ultimate responsibility for reclamation of the permit area rests with the permittee.

(3) Prior to the expiration, abandonment, or revocation of the permit, the
Reclamation Plan on file shall be reviewed by the responsible agencies to
determine if natural conditions in the area have changed significantly
enough to warrant modifying the previously approved Reclamation Plan. If
such modifications as recommended by the Planning Director cannot be
mutually agreed upon by the Planning Director and the permittee, revisions
to the Reclamation Plan will be subject to the permit modification process
of the Ventura County Zoning Ordinance, with normal appeal rights to the
Board of Supervisors.

(4) Unless otherwise specified in the approved Reclamation Plan, upon final
reclamation, all mining related structures, facilities, improvements,
stockpiles, surpluses, wastes, debris, and potentially hazardous features or
conditions shall be removed or otherwise corrected.

(5) In implementing this Reclamation Plan, all applicable Federal, State, and
local laws, ordinances, and regulations as amended shall be adhered to.

(6) Deviations or changes in the Reclamation Plan may be approved in writing
by the County of Ventura upon the advice of applicable agencies. Any
such changes shall be subject to the permit modification procedures of the
Ventura County Zoning Ordinance then in effect.

(7) Reclamation shall only be deemed complete: (a) after it has been
demonstrated to the satisfaction of the Planning Director that all facets of
the Reclamation Plan, including revegetation and slope stability, have been
implemented and are successfully established; and (b) the reclamation
financial assurance required under SMARA has been returned to the
permittee.

b. The Reclamation Plan shall conform to the following requirements in addition to
the above referenced general reclamation requirements:

(1) As the final slopes, contours, and configurations of the excavated areas
are reached, they shall be revegetated and/or stabilized in a manner
consistent with the revegetation requirements of the Reclamation Plan.

(2) No undrained depressions remain except for water storage/recharge
basins, drainage areas, or other uses authorized as a part of the
Reclamation Plan.

(3) The slope contour requirements and the cross-sections specified in Exhibit
"7b" shall be verified as required by Condition 80 (SMARA Annual Review
for Compliance with SMARA and Permit Conditions).
139. **Replacement of Condition 81 (Annual Status Report)**

This condition replaces existing Condition 81 (Annual Status Report) in its entirety.

**Annual Status Report**

Annually, by the date specified by the Planning Director, the permittee shall submit 3 copies of the Annual Financial Assurance Report (AFAR) to the Planning Director as required by the then current SMARA Program. This report shall be used to establish the annual financial assurances as described in Condition 78 (Annual Financial Assurances for Site Reclamation). All time spent for review and approval of the AFAR shall be billed to the SMARA Compliance Account as established by Condition 14 (Permit Compliance Accounts and Billings).

The AFAR shall meet the requirements for such reports as determined by the Ventura County SMARA Coordinator at the time of AFAR preparation. Status reports submitted pursuant to this condition are informational only and are not considered a part of the approved Reclamation Plan unless the permittee has requested and obtained a permit modification for the revised Reclamation Plan as described in Condition 5 (Permit Modification).

**ENVIRONMENTAL HEALTH DIVISION**

**EH1 Potential Hazardous Material**

The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.

**EH2 Contact EHD-LUFT**

Prior to the issuance of any building permits or any construction activity at the site, the permittee must contact the LUFT section of EHD.

**EH3 RWQCB Order 01-131**

The Los Angeles Regional Water Quality Control Board adopted Order No. 01-131 to require general waste discharge requirements for commercial and multifamily sewage disposal systems. Wastewater generated by the project may be subject to waste discharge requirements. For more information regarding the Order and waste discharge requirements please contact the Los Angeles Regional Water Quality Control Board at 213/576-6600.
PUBLIC WORKS AGENCY

DEVELOPMENT SERVICES

PW1  Seismic/Geologic/Hydraulics Hazards

Prior to the issuance of a Zoning Clearance for work outside the mining activity area shown on Exhibit "7c" (Limits of Mining Areas and Pre-SMARA Areas) boundary unless determined by the Public Works Agency that a Grading Permit is not necessary, the permittee shall submit to the Public Works Agency for review and approval, a grading plan; and shall obtain a Grading Permit.

If the amount of grading is greater than 1,000 cubic yards, a Registered Civil Engineer shall prepare the grading plan. Grading involving less than 1,000 cubic yards shall not require a Registered Civil Engineer to prepare, unless the permittee chooses to have the grading performed by a Civil Engineer, or, the building official determines that special conditions or unusual hazards exist.

PW2  Soils Engineering and/or Geology Report

If it is determined that a Grading Permit is required, the Public Works Agency may request a Soils Engineering and/or Geology Report, the permittee shall, upon our request, submit to the Public Works Agency for review and approval, a Geology Report with the submittal of the Grading Plans.

The grading plan shall incorporate the recommendations of the approved report.

PW3  Drainage Analysis

If it is determined that a Grading Permit is required, the permittee shall submit to the Public Works Agency for review and approval a Drainage Analysis addressing surface water run-off and recommended mitigation.

The grading plan shall incorporate the recommendations of the report.

GROUNDWATER RESOURCES SECTION

PW4  Replacement of Condition 77 (Permeability of Refill Material)

This condition replaces existing Condition 77 (Permeability of Refill Material)
in its entirety.

All refill and/or materials used in permanent placement of excavated/processed material at reclamation shall be subject to the following requirements. The term "refill" means material used to assist in bringing an area up to its final reclaimed grade, including any processed or imported material left on-site at reclamation but excluding structural fills required for development and topsoil and soil amendments as described in Condition 72:

a. Proposed Refill Materials – Refill material may be a mix of topsoil or sand (native material) and quarry spoils (sils and washed fines). Such material must reach an in-place percolation rate equal to or greater than results obtained from initial control samples of native soils previously submitted by the project consultant in a report dated May 16, 1994 by Hilltop Geotechnical. An alternative acceptable method would be percolation rates of 50 gallons per square foot per day or better on all percolation tests meant to certify placed refill or other permanent placements of material.

b. Field Testing of Refill Material – The permittee shall conduct field percolation tests of the areas where refill material is placed. One shallow percolation test shall be conducted for every two acres of area, at vertical intervals of not greater than every ten (10) vertical feet of placed refill material. In-place percolation tests on placed refill materials shall achieve percolation results equal to or better than undisturbed native soils, or the 50 gallons per square foot per day standard mentioned above. Areas where percolation rates of less than the specified infiltration or percolation volume are detected shall be removed with appropriate earth excavation equipment and reworked until satisfactory results are achieved, or replaced with more suitable refill material. A map of the project site, indicating all percolation test locations and elevations, shall be included in the Annual SMARA Report.

c. Refill Monitoring – Refill operations shall be monitored by an independent geotechnical firm hired by the mine operator. The County shall pre-approve the soil testing firm which shall provide annual written reports to the permit operator and the County to verify field test results and sampling frequency. In completing this work, the qualified soil testing firm must assign personnel who are experienced in all field testing and sampling procedures required by this condition. All work must be conducted under the supervision of a qualified State Licensed Geologist, Certified Engineering Geologist, or Registered Civil or Geotechnical Engineer.

d. Field Percolation Tests/Methods – Field percolation test methods shall be conducted following the guidelines and procedures as outlined in the Public Works Agency Waterworks Manual. These percolation tests shall be conducted
per the frequency and interval as described in paragraph “b” and “c” immediately above. Under special circumstances, alternative percolation test borings may be accepted in place or in addition to shallow percolation tests as described above. The permittee must submit proposed plans for PWA review prior to implementation if this alternative method is selected. A summary of these test results shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition No. 80 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

**PW5 Use of Maintenance Area**

The existing maintenance area shall be the only location where maintenance activities will be performed, except equipment breakdowns that cause the equipment to be immovable may be completed at the location of the breakdown. This condition does not apply to tracked driven equipment.

**PW6 Inspection of Concrete Slab**

Prior to issuance of Zoning Clearance 1: (1) the concrete slab of the existing maintenance facility shall be checked for cracks and any existing cracks shall be sealed to prevent contamination beneath the building; and (2) a letter/report specifying the results shall be submitted to the Planning Division.

**PW7 Additions to Maintenance Facility**

Any additions to the existing maintenance facility shall include a roof over the actual maintenance area, and the concrete pad shall be sloped to a sump that is periodically cleaned and the contents legally disposed of.

Within thirty (30) days following demolition of the existing Maintenance Storage Facility, the permittee shall contact the County Environmental Health Division and County Water Resources Division to determine whether an assessment of the soils beneath the structure focusing on hydrocarbon contamination is required. If required, the assessment shall be conducted in a manner suitable to the Environmental Health Division. Results of the assessment shall be submitted to the Environmental Health Division and Water Resources Division. Necessary cleanup shall be conducted as required by the Environmental Health Division and Water Resources Division.

**PW8 Liner Under Concrete Slabs**

A liner shall be placed under any newly placed concrete of a new maintenance area. The liner shall be a minimum of 80 mil HDPE with lapped and glued seams
and turned up at the edges to prevent any discharge from the maintenance area.

ENVIRONMENTAL AND ENERGY RESOURCES

PW9 Commercial Generator: Waste Diversion and Recycling Requirement

During both the construction and operation phases of this project, the permittee, as a commercial generator of waste, shall adhere to the requirements of Section 4770-2 Commercial Customer Waste Diversion Requirements, of the Codified Ordinances of the County of Ventura. That Section states, in part, that, "...The Director may develop, maintain, and publish, in consultation with Contract Collectors and other Diversion industry representatives, a ("Directors List of Commercial Recyclables") that shall be subject to the requirements of Section 4770-2.2" (#2 immediately below).

PW10 Supply and Use of Separate Recyclables Containers for Commercial Customers

If the Division determines that any materials on the Director's List of Commercial Recyclables are being generated by the applicant, or his tenants, in sufficient quantities to justify a separate bin for collection and recycling, the permittee shall ensure that a permitted commercial, regular or temporary waste-collector provide the required containers for the separate deposit of materials on the Directors List of Commercial Recyclables by the Commercial Customer. Please refer the applicant to Ivor Benci-Woodward, in the Environmental and Energy Resources Division EERD), at 805-289-3119 for assistance in meeting this condition.

PW11 Construction & Demolition Debris Waste Diversion Plan

PRIOR TO THE ISSUANCE OF A ZONING CLEARANCE FOR CONSTRUCTION, the permittee shall get a Construction & Demolition Debris Waste Diversion Plan (Form B) for the project approved by the Director of the EERD. The plan shall outline how all recyclables on the Director's List of Commercial Recyclables, which are generated in volumes large enough to warrant separate collection, will be recycled. For this project, this includes, at a minimum, the recyclable wood, glass and metals generated during the project's construction phases.

The requirements outlined in the Construction & Demolition Debris Waste Diversion Plan (Form B) shall be printed on the demolition and construction plans, and shall read: "It is required that the following recyclable construction materials generated from this project be deposited in appropriate recycling bins and recycled: (the list to be determined from the plan)"
PW12 Construction & Demolition Debris Waste Diversion Reporting Form

At the conclusion of construction, and PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the permittee shall get a Construction & Demolition Debris Waste Diversion Reporting Form (Form C) for the project approved by the Director of the EERD.

PW13 Usage of Recycled Building Materials

Recycled-content building materials, such as drywall, steel, aluminum, ceramic tile, cellulose insulation and composite engineered wood products, shall be incorporated into building design and construction where economically feasible and where compatible with design objectives.

PW14 Commercial and Agricultural Vehicle Used Oil Recycling

The permittee shall arrange for the proper recycling of all discarded recyclable materials, including motor oil, used oil filters, batteries and antifreeze removed from any agricultural and/or commercial vehicles which are maintained and/or repaired onsite during the operation of the facility. (Please refer the permittee to Don Sheppard of EERD, at 805-289-3110 for assistance in meeting this condition).

WATERSHED PROTECTION DISTRICT

PW15 Controlling Runoff

All surface runoff and drainage from activities shall be controlled by berms, revegetation, and/or other approved methods to ensure that surrounding lands and water resources are protected from erosion, gulling, sedimentation and contamination.

END CONDITIONS
November 1, 2007

John Newton
Suite 103
165 High Street
Moorpark, CA 93021

SUBJECT: LU05-0087 TO CONDITIONAL USE PERMIT 1367, REVISIONS TO CUP BOUNDARY TO EXPAND MINING AREA TO THE EAST AND DECREASE MINING AREA TO THE WEST, NORTH OF THE COMMUNITY OF SIMI VALLEY, CA (P.W. GILLIBRAND CO)

Dear Mr. Newton:

We received your application of July 25, 2005, requesting a Permit Adjustment to the above referenced permit. We have reviewed your request revised August 30, 2007 (Condition Exhibit 1), and we understand the change to be made is as follows:

Remove 70.9 acres (38.0 acres of mining area) from the western end of CUP 1367.

Add 49.52 acres (40.11 acres of mining area) to the eastern side of CUP 1367.

Revise existing Reclamion Plan Exhibits C-2, C-3, D-2, D-3(sheet 1) and D-3(sheet 2) to reflect these changes and new reclamion contours in the expansion area.

Your requested changes are found to be in keeping with the conditions of the approved permit referenced above, and they do not appear to change the findings of the permit as granted. Because the change requested does not exceed a 11% change in the permit, and because the requested change does not alter the previous environmental findings on this permit, the request meets the requirements of a Permit Adjustment under Section 8111-6.1.1 of the Ventura County Zoning Ordinance. Therefore, the Planning Director, under the above-cited Section, finds your request to be Categorically Exempt from the California Environmental Quality Act (Section 15061), and grants your Permit Adjustment request as of the date of this letter subject to the attached conditions of approval.

However, as stated in Section 8111-8.3, within 10 calendar days after a permit and/or permit modification has been approved, conditionally approved or denied, or on the
following workday if the 10th day falls on a weekend or holiday, any aggrieved person may file an appeal of the approval, conditional approval, or denial with the Planning Division who shall set a hearing date before the Planning Commission to review the matter at the earliest convenient date. Following the expiration of the appeal period, if no appeals are filed, the decision will be considered "effective."

A $50.00 fee, payable to the Ventura Country Clerk, is required from the applicant for the filing of the Notice of Exemption document. Failure to file this document will result in an extended appeal period from 35 days to 180 days, please contact the case planner to submit the fee.

If you have any questions on this matter, please contact your case planner, Scott Ellison, at (805) 654-2495 or via e-mail at scott.ellison@ventura.org.

Sincerely,

[Signature]

PAT RICHARDS, Manager
Commercial & Industrial Land Use Section

Attachments:

Condition Exhibit 1  Project Description
Condition Exhibit 2 CUP 4609 EIR Paleontological Mitigation Measure
Exhibit "C-3" CUP 1367-4 Master Mining Plan date stamped Aug 5, 2007
Exhibit "D-3" CUP 1367-4 Reclamation Plan date stamped Aug 5, 2007
Exhibit "D-3" CUP 1367-4 Reclamation Plan Details and Sections date stamped Aug 7, 2007
Exhibit "C-2" CUP 1367-4 Master Mining Plan date stamped Oct 5, 2005
Exhibit "D-2" Major Mod CUP 1367: Reclamation Plan date stamped Oct 5, 2005

cc:
Richard Valencia, Gillibrand Co P.O. Box 1019 Ish Drive Simi Valley CA 93062-1019
Carole Aragon, SMARA Coordinator
PWA Development Services
PWA Ground Water Resources
LU05-0087 (CUP 1367) (Gillibrand) 
Permit Adjustment Conditions

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RESOURCE MANAGEMENT AGENCY

Planning Division

79 Previous Conditions and Exhibits

All previous conditions and exhibits of CUP 1367 remain in effect except as modified by these conditions.

80 Approved Modification to CUP 1367

This approval authorizes the following modifications to CUP 1367. Only changes that relate to this Permit Adjustment shown the following exhibits are approved. Any other changes shown on these exhibits not related to the following changes which are different from previously approved versions of these exhibits are not part of this approval:

a. Expand the CUP 1367 boundary by 49.52 acres (40.11 mined) on the east side of the CUP (See Exhibits “C-3” date stamped August 5 2007, “D-3” date stamped August 5, 2007 and “D-3” (cross-sections) date stamped August 7, 2005).

b. Delete approximately 70.9 acres (38.0 acres mined) from CUP 1367 in the northwest corner of the CUP (see Exhibit “C-2” date stamped October 5, 2005 and “D-2” date stamped October 5, 2005).

c. Project Description text revised August 30, 2007 (Exhibit 1).

81 Zoning Clearances and Other Time Bound Requirements

a. Zoning Clearance 1 (Start of Ground Disturbance)

Zoning Clearance 1 (Start of Ground Disturbance) shall be issued prior to any ground disturbance by heavy equipment within the expansion area as shown in Exhibits “C-3”, “D-3” and “D-3” cross-sections. Prior to issuance of Zoning Clearance 1 the Permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this Permit Adjustment:
b. **Zoning Clearance 2 (Ground Disturbance Within Unmined Area)**

Zoning Clearance 2 shall be issued prior to ground disturbance by heavy equipment of the northern end of the expansion area which has not previously been mined. Prior to issuance of Zoning Clearance 2 the Permittee shall demonstrate, to the satisfaction of the Planning Director, compliance with the following conditions of this Modification:

Condition 90  **Biological Surveys**

c. **Time Bound Requirements**

The following conditions shall be implemented within specific time frames:

Condition 89  **Revision of Exhibit “D-3”** — Within 30 days from approval of this Permit Adjustment

Condition 92  **Replacement of Condition 24 (Staking of Permit Boundary and Approved Mining Areas)** — Within 60 days of issuance of Zoning Clearance 1

Condition 102  **Drainage Basins and Open Mining Pits** — Within 120 days of issuance of Zoning Clearance 1

Condition 94  **Consolidation of CUP 1367** — Within 120 days from approval of this Permit Adjustment

Condition 92  **Replacement of Condition 24 (Staking of Permit Boundary and Approved Mining Areas)** — One year after issuance of Zoning Clearance 1

Condition 86  **Paleontological Survey** — Two years after issuance of Zoning Clearance 1

Condition 87  **Timing of Reclamation Plan** — One year after completion of mining in expansion area
Coordination with Modification to CUP 4609 (Tapo Canyon)

This Permit Adjustment to CUP 1367 shall take effect only after the reclamation plan for CUP 4609 (Tapo Canyon) is approved by the Planning Director to exclude the expansion area shown in Exhibit "C-3".

Acceptance of this Permit Adjustment

The Permittee's acceptance of this Permit Adjustment and/or commencement of ground disturbance and/or operations within the expansion area identified in Attachments "C-3" and "D-3" shall be deemed to be acceptance by the Permittee of all conditions of this Permit Adjustment.

Condition Compliance/Financial Requirements/Limitations:

a. Prior to the issuance of Zoning Clearance 1, all Permit Adjustment processing fees owed to that date must be paid. After issuance of Zoning Clearance 1, any final billed processing fees must be paid within 30 days of the billing date.

b. As a condition of issuance and use of this Permit Adjustment, including adjustment, modification or renewal of the Permit Adjustment, the Permittee agrees to:

i. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this Permit Adjustment or the manner in which the County is interpreting or enforcing the conditions of the Permit Adjustment; and

ii. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of or resulting from any such action.

iii. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend and hold harmless the County, its officers, agents, and employees, from any and all claims, demands, costs, expenses, including attorney's fees, judgments or liabilities arising out of the construction, maintenance, or operations described herein under Condition 80 (Approved Modification), as it may be subsequently modified pursuant to the conditions of this Permit Adjustment.
c. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

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

85 Changes to Environmental or Permit Adjustment Findings

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

86 Paleontological Survey

Prior to issuance of Zoning Clearance 1 (Start of Ground Disturbance), a qualified paleontologist shall submit a paleontological surface survey and an implementing Paleontological Mitigation Program (PMP) to the Planning Director for review and approval.
At a minimum, the PMP shall contain the following:

a. Frequencies of onsite visits and staffing levels necessary to conduct paleontological field investigations/resource recovery operations. This frequency shall be dependant on the potential likelihood and scientific value of the paleontological resources in this area. However, under no circumstances shall the field work drop below eight person-hours per month, unless the Planning Director concludes that little or no scientifically valuable paleontological resources are likely to be recovered.

b. Provision for field or laboratory work to screen or treat soil samples or any paleontological resources found on site.

c. Provision for laboratory work to identify and place into a scientific context any paleontological resources found on site.

d. Procedures for the PMP shall use those outlined in Section 11.3 of the November 1993 FEIR for Tapo Rock and Sand Products (see Exhibit 2).

Two years after the issuance of Zoning Clearance 1 (Start of Ground Disturbance) the project paleontologist shall prepare a summary report of the status of the PMP. This monitoring report shall specify the amount of effort and money expended on implementing the PMP over the last two years, as well as a summary of the paleontological resources recovered, and their scientific value.

Upon receipt of a summary report acceptable to the Planning Director, the Director shall evaluate the need for any additional paleontological research. Based on the results of evaluation, the Director may increase or decrease the PMP work effort, or temporarily or permanently suspend further paleontological research. The evaluation of the Director shall be based on the scientific results of the PMP to date, and the likely results in the future compared to the cost of the program to the operator. In addition, the Planning Director may eliminate the requirement for additional summary reports, or change their reporting intervals.

Timing of Reclamation Plan

Within one year of completion of mining in the expansion area, the expansion area shall be reclaimed per an approved reclamation plan and connected via a bio swale to its historic drainage adjacent to the current
mining area. Reclamation of the expansion and construction/reclamation of the bio swale shall be subject to Planning Division and Department of Fish and Game review and approval. The Planning Division may modify the timing of implementation of these plans if delays are caused which are beyond the control of the operator. Installation of swale may be delayed if approved by the California Department of Fish and Game.

88 Department of Fish and Game Standards

Reclamation of the expansion area and bio swale shall be consistent with an approved CUP 1367 Revegetation Plan and Department of Fish and Game approved standards contained in Condition 50 of SAA R5-2001-0073.

89 Revision of Exhibit “D-3”

Within 30 days of approval of this Permit Adjustment the operator shall submit to the Planning Division for review and approval a revised Exhibit “D-3” showing the approximate location and design of the bio swale specified in Conditions 87 and 88.

90 Biological Surveys

Prior to issuance of Zoning Clearance 1 (Start of Ground Disturbance) a qualified biologist shall submit for approval to the Planning Director a survey for special status plant and animal species on the previously mined southern portion of the expansion area. If any species are found the report shall propose an appropriate mitigation program. The report shall be submitted within 60 days of when the survey is conducted.

Prior to issuance of Zoning Clearance 2 (Ground Disturbance Within Unmined Area) a qualified biologist shall submit for approval to the Planning Director a survey for special status plant and animal species on the northern portion of the expansion area not mined under CUP 4609. The timing, personnel, and methodology of the survey shall be approved by the California Department of Fish and Game (CDFG), or if the CDFG is unable to provide guidance on the plan, the Planning Director shall review and approve these survey elements. The report shall be submitted within 60 days of when the survey is conducted.

91 Archeological Survey

Prior to issuance of Zoning Clearance 2 (Ground Disturbance Within Unmined Area) a qualified archeologist shall submit for approval to the
Planning Director a Phase I archeological survey on the northern portion of the expansion area not mined under CUP 4609.

92 Replacement of Condition 24 (Staking of Permit Boundary and Approved Mining Areas)

This condition replaces existing Condition 40 (Staking of Permit Boundary and Approved Mining Areas) in its entirety.

The CUP and mining boundaries shall be clearly staked on the CUP site during the life of the CUP, so that mining operations do not inadvertently stray into unpermitted areas.

a. CUP boundary posts shall be installed as follows:

   i. The posts shall be four inch square metal posts, six feet above grade, located every 1,000 feet, or at the CUP boundary corners, whichever occurs first. The “CUP boundary corners” means any change in the direction of the CUP boundary line.

   ii. Each four-inch square metal post shall be painted white and printed on one side, in black, with one inch high block letters that read “CUP 1367 BOUNDARY MARKER”. All posts shall be set in concrete with at least 24 inches of the square post below grade.

b. The mining boundary stakes shall be installed as follows:

   i. The stakes shall be metal barbed wire fence stakes, four feet above grade, set every 100 feet, or at the mining boundary corners, whichever occurs first. The “mining boundary corners” means any change in the direction of the mining boundary line. The stakes shall be placed to a minimum depth of 24 inches.

   ii. The metal barbed wire fence stakes shall be painted florescent orange and include a two foot strip of orange surveyor’s tape tied at the top.

   iii. No ground disturbance may occur outside the area defined by these mining boundary stakes except as shown on approved CUP Exhibits.
c. For all posts and stakes:

Prior to issuance of Zoning Clearance 1:

i. Initial installation around the expansion area shall occur.

ii. A survey monument (hub) shall be placed near the entrance to the mining site.

iii. Upon completion of the expansion area and mining boundary staking, a survey map shall be submitted which shows and identifies all the posts and stakes placed on the expansion and mining boundaries including a table with coordinates for each post and stake. This map and data shall be submitted within 60 days of issuance of Zoning Clearance 1.

iv. The expansion and mining boundary posts and stakes shall be maintained until the financial assurance for the last mining phase shown on the Reclamation Plan has been returned to the Permittee by the Planning Director.

Installation of the above post and stake design around the remainder of the entire CUP shall occur within 1 year of the issuance of Zoning Clearance 1 unless an alternative design or schedule is approved by the County SMARA Coordinator.

93 Site Reclamation per Surface Mining and Reclamation Act (SMARA), as Amended

a. The Reclamation Plan and any amendments shall be consistent with the Surface Mining and Reclamation Act of 1975 and its associated regulations, the Ventura County Non-Coastal Zoning Ordinance Section 8107-9 (Mining and Reclamation) and the County General Plan.

b. The Reclamation Plan and any amendments shall be submitted to the Lead Agency in a 3-ring binder with an Introduction, Table of Contents and individual tabs.

c. The SMARA Reclamation Plan for this project is designed to implement the CUP design and conditions consistent with the California Surface Mining and Reclamation Act (SMARA) as amended from time to time. As such, all amendments to the
Reclamation Plan shall be reviewed by the Planning Director to determine if the amendment is a large enough change to the CUP to first require modification of the CUP under the provisions of the Ventura County Non-Coastal Zoning Ordinance then in effect.

94 Consolidation of CUP 1367

Within 120 days of approval of this modification, the Permittee shall submit to the Planning Director for review and approval a three-ring binder containing all conditions and exhibits for CUP 1367 including the original Permit Adjustment and all subsequent modifications. Upon review and approval by the Planning Director the Permittee shall submit two three-ring binders of the approved consolidated permit.

95 Replacement of Condition 23 (Minimum Activity Setbacks from Sensitive Uses)

This condition replaces existing Condition 23 (Minimum Activity Setbacks from Sensitive Uses) in its entirety.

No mineral extraction, mining facility, stockpiling of mineral resources, or related mining activities shall be located within a distance of a public or private property, resource or facility that would constitute a significant danger to such property, resource or facility. To achieve this, the following setbacks shall be followed unless a waiver is obtained pursuant to the provisions of the Ventura County Zoning Ordinance.

a. No processing equipment or facilities shall be located and no mining or excavation shall occur within the following setbacks:

   (1) 100 horizontal feet of any dedicated public street or highway.
   (2) 100 feet of any dwelling not accessory to the project.
   (3) 200 feet of any building used as a place of public assembly, institution, or school.

b. All structures, equipment, mining or excavation activities, and all temporary and permanent manufactured slopes, shall be setback from the permit boundary by at least 20 feet, except as noted in paragraph “a” above and in Condition P24.a. (Staking of Permit Boundary and Approved Mining Areas) below.

c. For the life of this permit, all mining or excavation of material shall occur only in areas within the “limit of mining/excavation” line shown on Exhibits “C-1”, “C-2”, and “C-3” (Mining Plan).
d. For the life of this permit, all permanent slopes shall be in accordance with the final contour lines shown on Exhibits "D-1", "D-2" and "D-3" (Reclamation Plan).

e. Stockpiling of fines on aquifer outcrop areas is prohibited, except where approved by the Public Works Agency.

f. The minimum setbacks from the permit boundary to the closest project-related grading shall be calculated as discussed below. The slope angle ratios shall be calculated for any project-created slope located between the near edge of the relatively flatter floor of the mined area and nearest permit boundary. If no such project-created slope exists between the floor of the mined area and permit boundary, the average slope of the floor of the mined area shall be used. The Planning Director, in consultation with the Public Works Agency, shall resolve any uncertainty regarding the definition of terms, or over what area the slope calculations apply. Setbacks are based on height of the project-related slope:

1) If the area has a slope angle equal to, or flatter than 2½ to 1 (horizontal to vertical), the minimum setback shall be 20 feet, regardless of the vertical height of the slope.

2) If the area has a slope angle steeper than 2½ to 1 but equal to, or flatter than 2 to 1, the minimum setback shall be ½ the vertical height of the slope, but in no case less than 40 feet.

3) If the area has a slope angle steeper than 2 to 1 but equal to, or flatter than 1½ to 1, the minimum setback shall be equal to the vertical height of the slope, but in no case less than 60 feet.

4) If the area has a slope angle steeper than 1½ to 1, the minimum setback shall be 150% of the vertical height of the slope, but in no case less than 100 feet.

These setbacks are considered necessary to protect areas outside the permit boundary from potential head-cutting of the project related slopes due to long term erosion. These are not safety requirements to protect against gross slope instability, but rather, reflect the increased susceptibility of steep slopes, and of slopes with large vertical heights, to head-cutting due to long term erosion.
Note: It is understood that the most recent annual SMARA report on file describes areas of the project that may have already encroached upon these setbacks (e.g., Blomker Pit). For such areas, this condition is to be interpreted as not permitting additional encroachment into the setbacks described herein.

The above standards apply to all final reclamation slopes. The above setbacks may be reduced for temporary mining slopes by the Planning Director upon consultation with the Public Works Agency if the permittee furnishes a soils and geologic report that demonstrates adequate temporary slope stability such that a reduced setback from property lines is acceptable. Said report must be submitted to, and a decision made, by the Planning Director prior to any mining or spoils removal occurring within the appropriate setback. The appropriate setback is determined by the angle and height of the temporary slope at that location as shown on the approved Reclamation Plan. Adequate slope stability is a safety factor of 1.5 or greater, and that head cutting and erosion from the proposed slopes exposed for up to 12 months would be minimal as determined by the Planning Director. Under no circumstances shall temporary or permanent slopes exceed 1.0:1 (vertical to horizontal) at any time at any location.

The annual report required by Condition 73a shall evaluate the setbacks, temporary and final cuts authorized by this Minor Modification. Any head cutting shall also be documented. Said report shall be included in the annual SMARA report.

PUBLIC WORKS AGENCY

Development and Inspection Services Division

96 Grading Permit Review Outside Mining Area

Prior to any grading outside the mining permit boundary, a grading permit review by the Public Works Agency is required. If determined that a grading permit is not necessary, Public Works Agency will issue a grading permit clearance for the proposed work.

97 Grading Permit Review for Refill

Prior to the placement of any fill for the support of structures or for the impoundment of water within the property, a grading permit review by the
Public Works Agency is required. If determined that a grading permit is not necessary, Public Works Agency will issue a grading permit clearance for the proposed work.

98 **Obtaining a Grading Permit**

If a grading permit is determined to be required, the applicant shall provide a grading plan and obtain a grading permit. As part of the grading plan submittal, the Permittee shall, upon our request, submit to the Public Works Agency for review and approval, a Soils Engineering and/or Geology Report that provides recommendations for the proposed grading plan.

The grading must incorporate the recommendations of the approved reports.

99 **Payment of PWA Fees**

Prior to the issuance of any clearances, all Public Works Agency permit processing, permit inspection, and any County enforcement fees owed must be paid. Further any grading violations against the subject property must be mitigated to the satisfaction of the Development and Inspection Services Division prior to the issuance of any Zoning Clearance. After issuance of any Zoning Clearance, any final billed processing fees must be paid within thirty (30) calendar days of the billing date.

**Groundwater Resources Section (GRS)**

100 **Monitoring and Analysis of Water Wells**

a. **Water Level Monitoring**

Simi Valley City Water Well Nos. 31 (State Well No. 03N18W24H01S), No. 32 (State Well No. 03N18W24C07S), Gillibrand #2 (State Well No. 03N18W24D03S) shall be monitored for monthly depth-to-water by the Permittee's consultant or Water Works District #8 staff each calendar year. All groundwater level data shall be submitted to the Watershed Protection District – Groundwater Resources Section (GRS) annually and included with other required submittals during the annual SMARA inspection in December of each year. If water level findings indicate that Historical high water level is above the previously established elevation mark, maximum excavation elevations must be modified accordingly to maintain adequate clearance from groundwater. (see Condition 103 below)
b. Groundwater Quality Analysis

Representative samples of groundwater from Wells 31 and 32 shall be collected annually and analyzed by a State-certified laboratory for complete mineral analysis. Laboratory results shall be submitted to the GRS annually and included with other required submittals during the annual SMARA inspection in December of each year. If the total dissolved solids of any sample exceed 1,000 mg/l, the aggregate wash areas shall be lined to prevent the percolation of water. Other mitigation measures may be proposed provided a solution is available and can be implemented to the satisfaction of the GRS.

c. Reporting

The above described water-level monitoring and mineral analysis results shall be reported as stated above as well as summarized and included in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

101 Refill Material

a. Refill Materials

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

b. Field Testing of Refill Material

The Permittee shall employ a County approved soil-testing firm to conduct field percolation tests of refill material placed in excavated areas and to complete a report of findings. One shallow percolation test shall be conducted for every two acres of reclaimed quarry area, at vertical intervals of not more than 2 feet of placed fill material. A map of the project site showing percolation test locations and elevations shall be included in the Annual SMARA Report.
c. Report of Refill Monitoring

The report, including copies of verified field percolation tests, shall be submitted to the GRS semi-annually on Jan 1 and July 1 provided sufficient quantities of fill material have been placed to satisfy Condition 66b.

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

d. Field Percolation Tests/Methods

Field percolation test methods shall be conducted following the guidelines and procedures as outlined by the GRS. These percolation tests shall be conducted per the frequency and interval as described in paragraph "b" above. A summary of these test results shall be included in the annual Condition Compliance Inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

102 Drainage Basins and Open Mining Pits

During the mining phase, all basins, unused ponds, undrained depressions, and open mining pits shall be cleared annually of debris and fine soil material to allow rapid infiltration into the subsurface during rainstorms.

Within 120 days of issuance of formal release of new groundwater recharge policies by the GRS a revised reclamation plan for CUP 1367 shall be submitted which complies with the new policies.

103 Maximum Mining Depths

The mining area may be mined to no more than a maximum excavation surface elevation of 1,460 feet above sea level. The easterly portion of the mined area shall be refilled with permeable material meeting all previously conditioned percolation requirements to a surface level of 1,600 feet above sea level. The westerly portion of the mined area shall be refilled with permeable material meeting
percolation requirements to a surface level of 1,500 feet above sea level and constructed with no steeper than a 2:1 slope between the two areas.

104 Limitations on Cattle Grazing

Create a minimum 20 foot fenced buffer zone around the perimeter of all potential groundwater recharge basins to restrict cattle grazing in those areas, and to prevent impacts from nitrate contamination to the groundwater basin. The applicant shall have a maximum of 80 head of cattle grazing within the 1,100 total acres, for a per head land area not less than 13.75-acres each.

105 Impervious Drains are Discouraged

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

106 Coordination with City of Simi Valley

The applicant should work closely with the City of Simi Valley on their proposed pumping of additional groundwater from the Tapo-Gillibrand Basin and the effect this pumping may have on drawing down the aquifer in relation to the CUP 1367 groundwater recharge areas.

107 Fines Within the “Slot Pit” May Remain

The nine-acre “Slot Pit” is functioning as a recycled water reservoir. Therefore fines which accumulate at the bottom of the pit do not need to be periodically cleaned out, as long as at reclamation a minimum of 10 feet of permeable material acceptable to the GRS is used to refill the pit to prevent future standing water from collecting in this area. Refill with permeable soils or clean sand may only be placed after the non-permeable clay or silt accumulations have been graded to drain at a 2 percent or better slope. All refill material must drain into natural and or pre-mining drainage courses.

END CONDITIONS FOR LU05-0087
**DATE:** May 24, 2007 (Revised August 30, 2007)

**PROJECT DESCRIPTION (LU05-0087)**

The Applicant proposes to exchange 70.9 acres from its CUP boundary, including 38.0 acres of existing, approved mining area south of the northwest area of the Westerly Pit (Parcel-B, CUP 1367-4) and north of Little Tripas (Green) Canyon, an environmentally sensitive drainage area; for 40.11 acres of mining area on the Boyle Trust property east and contiguous to the northeast main quarry area (Blomker Pit) of CUP 1367-4. An additional 9.41 acres will be included within the new CUP boundary, as a 100' non-mining setback area. This will allow continuation of the excavation of a deposit of specialty & quartz sands that extends east onto the Boyle property at the same minimum excavation limits (1,460') currently established for the Blomker Pit. (See USGS & Schematic Exhibits 1 and 2 attached).

The Mining & Reclamation boundaries would be adjusted accordingly. Please see revised CUP 1367-4 County Exhibits "C-3 & D-3" sheet-1 (date stamped Aug. 5, 2007), "D-3" sheet 2 (date stamped Aug. 7, 2007) for the Boyle Adjustment and Exhibits "C-2 & D-2" (date stamped Oct 5, 2005) for the Westerly Pit area reduction.

The Gillibrand Aggregate Mine (Gillibrand) is located 3.5 miles north of the City of Simi Valley approximately one mile north of Tapo Canyon Road at the northern end of Bennett Road. It is a surface aggregate mine that operates within an 1117-acre site under Conditional Use Permit (CUP) No. 1367-4.

Gillibrand is proposing to adjust its mining operations boundary onto a portion of two adjacent parcels located east of the current Gillibrand CUP-1367-4 operations and including the northern portion of the Tapo Rock and Sand CUP-4609 permit area. The proposed adjustment will include portions...
of APN: 615-0-070-105 and 615-0-080-855, with a combined acreage of 40.11 acres and an approximate 9.41 acre 100 foot buffer for reclamation purposes.

- Proposed Project Area 1: Gillibrand is proposing to mine a 22.84-acre portion of the 99.28-acre northern parcel (APN: 615-0-070-105) and set aside a 5.36 acre 100 foot buffer for reclamation purposes. Please refer to the attached Ventura County Assessor's Map (Exhibit 3).

- Proposed Project Area 2: Gillibrand is proposing to mine a 17.27-acre portion of the 36.32-acre southern parcel (APN: 615-0-080-855) and set aside a 4.05 acre 100 foot buffer for reclamation purposes. Please refer to the attached Ventura County Assessor's Map (Exhibit 3).

The proposed boundary adjustment area is comprised of rolling hills and valleys some of which were extensively mined in the past.

A majority of Project Area 2 has been extensively mined during previous quarrying activities (Tapo Rock and Sand Products Expansion of Mining Area and Resumption of Quarry Operations, Final Environmental Impact Report for CUP-4609).

- Quarrying within the parcel boundaries was initiated in the early 1960's when Phases 1, 2, and 3 were mined by Gillibrand.

- Tapo extracted and processed materials mined from the quarry under CUP-3348, which expired in March of 1989.

- CUP-3348 was replaced in 1993 by CUP-4609.

Mining operations and reclamation has continued to take place following the Tapo Phasing Plan (personal communication with Ms. Juanita Brooks, Tapo Rock and Sand, November 22, 2004). Tapo mining Phases 1, 2, and 3
Located on the southern parcel (APN: 615-0-080-855), are in the process of being reclaimed as required by the Surface Mining and Reclamation Act (SMARA) and County ordinances.

The net effect of the Gillibrand CUP 1367-4 boundary adjustment is to facilitate aggregate resource development in an area where geologic testing has verified a deposit of quality specialty sand materials extending east of the existing CUP 1367-4 approved mining area. The approved mining area to be relinquished in the Westerly Pit area contains marginal quality materials, is an environmentally sensitive area and is difficult to access due to the need to traverse a natural drainage.

Reclamation of the Boyle Trust Property, following mining, will be consistent with the existing CUP 1367-4 approved Reclamation Plan, extended east. Pre-application consultation with PWA-Water Resources Division, resulted in PWA-WR concurrence with a proposed Reclamation Plan designed to enhance groundwater recharge, via implementation of a large detention-recharge basin on the Gillibrand property. Effectively, the existing high wall between the properties will have been removed, and, except as modified by the Permit Adjustment conditions, the area reclaimed to a groundwater recharge basin, with perimeter fencing to restrict cattle grazing from the basin, thereby limiting nitrate contamination to groundwater. All existing, approved CUP 1367-4 reclamation requirements (slope limits, soil preparation, approved seed mixes, revegetation standards) will be applied to the Boyle property. No changes to the existing, approved Reclamation Plan (County Exhibits "H-1, H-2 & H-3", and CUP 1367-4 reclamation conditions of approval) are proposed or anticipated with this boundary adjustment.

An Archeological Investigation was conducted in June 2005, by Greenwood and Associates, and a Biological Resources Assessment was conducted by WCE also in June 2005. Both were submitted for Planning Staff review as part of the Permit Adjustment application process.
CUP 1367-5
BOUNDARY ADJUSTMENT EXHIBIT
(EAST SIDE)

SCALE: 1" = 1000 ft

--- CUP 1367-4
DELETE EXISTING BOUNDARY

--- CUP 4609
DELETE EXISTING BOUNDARY

--- CUP 1367-5
ADD NEW BOUNDARY

Exhibit 2
paleontologic data base in this region. With the imposition of project specific mitigation measures for undertakings included in the cumulative project list, the residual cumulative impacts of mining on paleontological resources would be insignificant.

11.3 MITIGATION MEASURES

The following data recovery Mitigation Measures would offset the adverse impacts on paleontologic resources that would result from future mining operations. These Measures would encourage preservation of a sample of significant fossil remains and associated scientific data that otherwise would be lost as a result of mining activities.

All paleontologic mitigation and monitoring tasks should be supervised by a qualified vertebrate paleontologist. To offset impacts to Paleontological Resources, the following Measure should be implemented:

(1) A paleontological mitigation plan outlining procedures for paleontological data recovery shall be prepared and submitted to the County for review and approval prior to zoning clearance for use inauguration. The development and implementation program for this Plan shall include consultations with the mine owner/operator. The costs of any data recovery programs shall be reasonably scaled to the degree of impact anticipated and should be limited to scientifically defensible significant deposits.

The general guidelines for the types of data recovery strategies that should be included in this plan include the following recommendations:

(1) The monitoring and data recovery work should be performed by a qualified paleontologist. The data recovery should include periodic inspections of mining excavations and, if necessary, fossil data recovery should be performed to recover exposed fossils. The frequency of inspections will depend on the rate of excavation, the significance of the materials being excavated, and the abundance of fossils recovered during periodic reconnaissance of the mining operations.

(2) The paleontologist should be permitted to divert or direct grading in an area of exposed significant fossil deposits to facilitate evaluation and, if necessary, to perform data recovery.

(3) Because of the small nature of some fossils present in these rock units, matrix samples should periodically be collected for processing through fine mesh screens. These samples should be processed for microvertebrate fossil remains. To the degree feasible, all remains should be prepared and identified, accessioned into a retrievable storage system, and accompanying field notes, maps, and photographs should be filed at the Los Angeles County Museum of Natural History or at another designated repository.

significant fossils are exposed in the presently graded areas, before re-
evacuation begins in each Phase of the operation, a survey could be
collected to locate fossil sites and document fossil-bearing beds not recorded
during the initial reconnaissance. A representative sample of vertebrate fossil remains should be collected and recorded and their stratigraphic occurrence should be documented. If feasible, in the lower member of the Saugus Formation, collect representative samples of invertebrate remains from selected sites and horizons.

Condition
Exhibit 2
(5) If significant concentrations of vertebrate fossil remains are found either by the periodic monitor or by the operator during clearing or excavation, grading activities should be temporarily halted while an evaluation is performed.

(6) Provision in the data recovery plan should be made for periodically spot checking exposures in the quarry for vertebrate fossil remains and invertebrate specimens that are unusually well preserved or represent rare taxa not collected previously.

(7) The implementation plan for data recovery should stipulate that qualified paleontologists be allowed continued access to the study area to collect fossil remains or to investigate the geology of the area if such access would not disturb operations or represent a safety hazard.

Residual Effects

Not Significant

References


-----, Domning, D.P. Howard, H., and Huddleston, R.W., (unpublished manuscript). Correlation and characterization of Late Miocene (Clarendonian correlative) marine vertebrate assemblages in California.


INTRODUCTION:

Conditions 1 through 75 were approved on January 16, 1992 with the granting of CUP-1367 Modification No. 3. Some of these conditions have been amended/replaced and Conditions 75 through 78 were added as a result of the Ventura County Planning Director’s approval of CUP-1367 Modification No. 4.

Conditions listed as an “FEIR Mitigation Measure” have been imposed to reduce the cumulative and/or project specific impacts described in the Final Environmental Impact Report prepared for CUP-1367 Modification No. 3 (SCH #00010694). As such, any modification to these conditions can only be made if: (1) the modification does not reduce the effectiveness of the particular mitigation measure, or (2) a new environmental document is prepared to reflect the changed project description and/or condition. These Mitigation Measures are subject to Public Resources Code Section 21081.6, known as the “Cortese Monitoring Program.” The Cortese Monitoring Program will be implemented by various Ventura County Agencies and the monitoring results reported to the Planning Division, which is responsible for maintaining the Cortese reporting files. Each condition which is subject to Cortese Monitoring as a Mitigation Measure will be followed by an indicator of the monitoring Agency and the monitoring program, ("Mitigation Monitoring").

The following references have been abbreviated:

1. Planning Director refers to the Planning Director of the Ventura County RMA-Planning Division;
2. Planning Division refers to the Ventura County RMA-Planning Division;
3. Environmental Health Division refers to the Ventura County RMA-Environmental Health Division;
4. Air Pollution Control District (APCD) refers to the Ventura County RMA-Air Pollution Control District; and
5. Fire Protection District refers to the Ventura County Fire Protection District.

PLANNING DIVISION CONDITIONS:

This fourth modification of CUP-1367 and Conditions 1 through 78, described herein, supersede all previous permits and conditions of approval associated with the subject use. All previous permit conditions associated with CUP-1367 are null and void unless incorporated into the conditions described herein for CUP-1367 Modification No. 4.

1. Permitted Uses

This permit authorizes the following uses only as they are depicted on the exhibits listed below:

a. Surface mining of sand, gravel, rock and associated mineral resources.
b. Processing of mined materials through such means as crushing, washing, screening, scrubbing, and sorting.
c. Storage of mined, packaged, and processed materials.
d. Sales of raw materials and in processed form.
e. Production and sale of ready-mix concrete, concrete block, and asphalt plant mix, including the importation of such supplementary materials as aggregate, asphalt, ground rubber, cement, and ready-mix related fixants.
f. Recycling of concrete and asphalt products produced on- and off-site.
g. Vehicle storage for the exclusive use by those vehicles used for construction with or to haul raw materials and products originating from the site and authorized by this permit.
h. Accessory uses and structures which are necessary and appurtenant to the above authorized uses, including all storage and staging activities approved in CUP-1367 Modification No. 3.
i. Bulk sampling (i.e., as described below).
j. Reclamation of the site.

The above authorized uses, facilities, structures and improvements are only allowed to the extent that they are depicted on the following exhibits and/or expressly allowed by a condition herein. Any use, facility, structure or improvement which is not so authorized is not allowed unless added to this permit through the applicable permit modification process authorized by the Ventura County Zoning Ordinance.

<table>
<thead>
<tr>
<th>Exhibit No.</th>
<th>Exhibit Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>CUP Boundaries and Site Location Map (an overview of the entire project site, including match lines for the more detailed 3 sheet exhibits).</td>
</tr>
</tbody>
</table>
B-1, B-2 and B-3  Detailed Facilities Plan (i.e., location of existing and proposed equipment, facilities, buildings, processing plants, fences, signs, roadways, parking areas, landscaping, catchment basins, dikes, major equipment items, and other improvements).

C-1, C-2 and C-3  Mining Plan (i.e., depicting the ultimate boundaries of the mining activity, LCA contract boundaries, erosion and sediment control devices, sediment detention basins, ponds, other). These exhibits shall include reference to the historic high groundwater levels (Exhibit "C-3" only).

D-1, D-2 and D-3  Reclamation Plan (i.e., final contours and elevations, cross-sections, erosion control structures, benches, berms, basins, and the end use related roads, equipment, facilities and improvements). These exhibits shall include reference to the historic high groundwater levels (Exhibit "D-3" only).

E  Phasing exhibits were deleted upon approval of CUP-1367 Modification No. 4.

F (2 sheets)  Cross Section of Final Mining Plan (Western Portion of Permit Area)

G  Detail of Benches/Berms/Basins (i.e., those used during mining and reclamation).

H-1, H-2 and H-3  End Uses (i.e., depicting the end uses described in Condition 77 - Revegetation Component of the Reclamation Plan and Condition 78 - Approved End Use Infrastructure).

Bulk Sampling - Bulk Sampling may occur within areas approved for mining as depicted in Exhibits "C-1", "C-2" and "C-3" (Mining Plan). A Zoning Clearance is required prior to initiating bulk sampling for each area to be sampled. Prior to the issuance of a Zoning Clearance for Bulk Sampling, the following information shall be submitted to the Planning Director:

- Contour maps of the site showing the area to be sampled.
- An estimate of the acres to be sampled and the total volume in tons of material to be removed, and the estimated duration of the sampling activity.
- A statement as to how the sampling area is to be reclaimed, or closed, when the sampling is completed.

2. Maintaining Current Exhibits

All previous exhibits and conditions of approval associated with CUP-1367, as modified, are void and are superseded by the exhibits attached hereto and the conditions contained herein.

Within 30 calendar days of approval of CUP-1367 Modification No. 4, the permittee shall provide the Planning Director with 15 copies of any exhibits listed under Condition 1 (Permitted Uses) which have been modified to reflect the conditions, provisions, and terms associated with the permit as finally approved. Said exhibits shall be correct and shall include a reference to CUP-1367 Modification No. 4 and its approval date. Amended exhibits will be provided to other Ventura County agencies and the State Department of Conservation. If any inconsistencies exist between written text and the approved exhibits, the Planning Director shall determine which takes precedence. In addition, the permittee shall provide five complete sets of the exhibits as approved. Two sets of exhibits will be signed and stamped approved by the Planning Director and maintained in the project case file. Three sets of exhibits will be sign and stamped approved by the Planning Director and returned to the permittee.

Within 60 calendar days of the approval of CUP-1367 Modification No. 4, the permittee shall provide, in a form approved by the Planning Director, five (5) copies, in binders, of all exhibits, conditions, and other entitlements imposed by any other agencies that pertain to this Conditional Use Permit and its Reclamation Plan. If said exhibits and conditions are not forthcoming from another agency, the permittee shall forward them to the Planning Director within 15 calendar days of their receipt.

3. Time Limits

This permit shall expire on October 30, 2020, except for the requirement to reclaim the site. Failure of the County to notify the permittee of the Permit's imminent expiration shall not be grounds for the continuation of the Permit beyond this deadline. The permit may expire before this date if the use for which the Permit was granted has discontinued for a period of three hundred and sixty-five (365) consecutive days or more. This shall not include periods of discontinued use under a SMARA.
authorized Interim Management Plan approved by the Planning Director, in consultation with the Public Works Agency.

This modification shall become null and void if the Acceptance of Conditions has not been signed within 30 calendar days of the approval of this modification, pursuant to Condition 13 (Acceptance of Conditions).

4. Permit Renewal

If permit renewal is desired, the permittee shall submit a new permit application 12 months prior to the expiration of the Permit (i.e., file by October 30, 2019). Provided the application is deemed "complete" 6 months prior to the permit's expiration, the Permit shall remain in full force and effect until the renewal request is acted upon and all administrative appeals have been exhausted. All the terms and conditions in effect at the time shall remain in force until such time as the new permit application has been acted upon. The permittee is solely responsible for the timely renewal of this Permit. Failure of the County to notify the permittee of the Permit's imminent expiration shall not be grounds for the continuation of the Permit beyond the expiration date.

5. Proposed Permit Modification

Any applicant-proposed changes to the conditions of this permit, including the existing and proposed uses, facilities, structures or improvements, the scope and nature of mining or the plot plans, shall be presented in written and mapped form to the Planning Director, who shall determine what type of approvals, if any, the proposal will necessitate. The Planning Director may grant a Minor Modification to allow for time extensions beyond deadlines herein referenced if the permittee can demonstrate that he has diligently attempted to meet the deadline specified. Excepted from this Condition are minor deviations from the approved mining and reclamation plans and are subject to the provisions of Condition 32 (Final Site Reclamation).

6. Use Inauguration and Summary List of "Time-Bound" Conditions

a. Prior to the issuance of a Zoning Clearance for mining for CUP-1367 Modification No. 3, the permittee shall demonstrate to the satisfaction of the Planning Director that the permittee has complied with the following conditions of this permit: 2 (paragraph 3), 13, 20.a., 37, 40, 42, 43, 51, 52, 53, 54, and 55.

b. To inaugurate CUP-1367 Modification No. 4, the permittee must first accept the conditions pursuant to Condition 13 (Acceptance of Conditions).

c. Within 30 calendar days of approval of CUP-1367 Modification No. 4, the permittee shall demonstrate compliance, to the satisfaction of the Planning Director, with the following conditions of this permit:

(1) Condition 2 Maintaining Current Exhibits; and
(2) Condition 13 Acceptance of Conditions.

d. Within 60 calendar days of approval of CUP-1367 Modification No. 4, the permittee shall demonstrate compliance, to the satisfaction of the Planning Director, with the following conditions of this permit:

(1) Condition 2 Maintaining Current Exhibits;
(2) Condition 9 Notice of Permit Requirements;
(3) Condition 63.a Monitoring and Analysis of Water Wells (re: submittal of data);
(4) Condition 63.d Monitoring and Analysis of Water Wells (re: submittal of data); and
(5) Condition 78 Approved End Use Infrastructure (re: ponds).

e. Within 180 calendar days of approval of CUP-1367 Modification No. 4, the permittee shall demonstrate compliance, to the satisfaction of the Planning Director, with the following conditions of this permit:

(1) Condition 24 Staking of Permit Boundary and Approved Mining Areas;
(2) Condition 33 Mining and Reclamation of Permit Area Under LCA Contract; and
(3) Condition 63.c Monitoring and Analysis of Water Wells (re: additional wells).
7. **Consultant Review of Information**

The County and all other permitting agencies shall have the option of referring any and all subsequent permit modification application requests by the permittee to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of staff. The scope of work and consultants to be used shall be determined in accordance with Condition 8 (Consultant Work). The costs for all such consultant work shall be borne by the permittee and are independent of the fees paid for staff processing of a permit application.

8. **Consultant Work**

Prior to the County engaging any independent consultants or contractors pursuant to the Conditions of this Permit, the County shall confer with the permittee regarding the necessary work to be contracted for and the costs of such work. Whenever feasible, the lowest bidder will be used. The permittee may hire private consultants to conduct work required by the County provided the consultant and the proposed scope of work are acceptable to the County.

9. **Notice of Permit Requirements**

Unless otherwise required by the Planning Director, the land owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed mining activities shall be informed by the permittee of the current pertinent conditions of the use permit and all related exhibits. A current set of permit conditions and other information as required in Condition 2 (Maintaining Current Exhibits) shall be retained at the site unless deemed impractical by the Planning Director. Furthermore, the permittee shall provide the property owner(s) with a copy of the Reclamation Plan. The distribution of the materials shall be documented to the Planning Director in writing within 60 calendar days of the approval of CUP-1367 Modification No. 4.

10. **Change of Ownership Notice**

At least 10 calendar days prior to the effective date of change of property ownership, or of lessee(s), or operator(s) of the permitted use, there shall be filed, as an initial notice with the Planning Director, the name(s), address(es) and telephone/FAX number(s) of the new owner(s), lessee(s) or operator(s), and company officer(s). A formal statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of said transfer. Said statement shall include any changes in name(s), address(es) and telephone/FAX number(s) of the new owner(s), lessee(s) or operator(s), and company officer(s) from the initial notice. Said statement shall be accompanied by a letter from the new property owner(s), lessee(s) and/or operator(s) acknowledging and agreeing to comply with all conditions of this Permit. Said statement shall specify the effective date and time of the transfer.

11. **Permittee Defense Costs**

The permittee agrees as a condition of issuance (or renewal) and use of this permit to defend, at his sole expense, any action brought against the County because of issuance (or renewal) of this permit or, in the alternative, to relinquish this permit. Upon demand from the County, permittee will reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action. County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve permittee of his obligations under this condition.

12. **Correspondence from Other Agencies/Jurisdictions**

Copies of all correspondence, reports or information which relates to the exercise of this permit received by permittee from or directed by the permittee to other State or local jurisdictions or agencies shall be provided to the Planning Division within 30 calendar days of their receipt/issuance.

13. **Acceptance of Conditions**

Within 30 calendar days of the approval of CUP-1367 Modification No. 4, the permittee and property owner shall sign a statement indicating awareness and understanding of all permit conditions and shall abide by those conditions. Said acceptance shall be in substantially the form presented below and acceptable to the Planning Director. Failure to accept the new conditions within the allotted time shall cause the permit to revert to the conditions in force prior to the approval of CUP-1367 Modification No. 4 (i.e., those conditions of approval associated with CUP-1367 Modification No. 3).
I hereby certify that I have read, understood, and now accept the Conditions of Approval for CUP-1367 Modification No. 4 and agree to follow said terms and conditions while I operate the use authorized by this permit. I further agree to make my successors-in-interest aware of these obligations prior to transferring my interest to them.

Permittee: ___________________________ Date: ___________________________

Property Owner: ___________________________ Date: ___________________________

14. Other Responsibilities

Neither the issuance of a use permit hereunder nor compliance with the conditions thereof shall relieve an operator from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any use permit hereunder serve to impose any liability upon the County of Ventura, its officers or employees for injury or damage to persons or property.

15. Requirements of Other Agencies

This Permit shall not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, or State or Federal laws. No condition of this Permit for uses allowed by the County Zoning Ordinance shall be interpreted as permitting or requiring any violation of law, or any lawful rules, regulations, or orders of an authorized governmental agency. In instances where more than one set of rules apply, the stricter ones shall take precedence. If any inconsistencies exist between written text and the approved exhibits, the Planning Director shall determine which takes precedence.

16. Other Regulations

The design, maintenance, and operation of the permit area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, and all such requirements and enactments shall by reference become conditions of this permit.

17. (Incorporated into Condition 18.d. below.)

18. Preservation of Biological Resources - FEIR Mitigation Measure

In order to reduce the impacts of the project upon the biological resources of the area, the following program shall be required:

a. The mine shall be reclaimed in order to minimize the loss of vegetated habitat at the site.

b. Mined slopes that are temporarily inactive (inactive for more than twelve months) shall be revegetated with annual grasses to provide a minimum cover of vegetation for wildlife.

c. There shall be no encroachment into the riparian habitat along Little Tripas Canyon due to mining. The riparian habitat along Little Tripas Canyon shall be depicted on Exhibit "C-2" (Mining Plan), "D-2" (Reclamation Plan), and "H-2" (End Uses). Vehicular crossing shall be limited to only two at-grade crossings.

d. Ninety (90) calendar days before removing or altering any tree within the protection of the County's Tree Protection Ordinance, as amended, the permittee shall file all materials required under the applicable Tree Protection Ordinance with the appropriate County Agency. Trees subject to said ordinance shall not be removed or altered until the permittee has obtained a Tree Permit from the Planning Division. Trees subject to said ordinance shall be included in Exhibits "C-1", "C-2" and "C-3" (Mining Plan).

Mitigation Monitoring

The Planning Division will conduct an annual condition compliance inspection of the site, pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection), to ensure compliance with this Mitigation Measure.
3. Preservation of Archaeological Resources - FEIR Mitigation Measures

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

a. Prior to monitoring of site CA-VEN/887, representatives of the Ventura Chumash shall be consulted and shall be invited to attend the monitoring.

b. Prior to mining and excavation at the location of CA-VEN/887 or newly discovered sites, a qualified archaeologist approved by the County and retained by permittee ("Monitor") shall locate, record and sample any burled features of CA-VEN/887. Field monitoring shall be terminated once the site has been excavated to a depth of 40 cm in the eastern portion, 200 cm in the central portion and 70 cm in the western portion.

c. The Monitor and Native American representative shall temporarily halt excavation/grading to record or sample, or for the purpose of contacting the County Coroner should human remains be encountered.

Mitigation Monitoring:

The Planning Division shall monitor this Mitigation Measure during initial project start-up and during the life of the permit on an "as needed" basis.

The Planning Director or his/her designee shall receive, review for compliance with this condition, and file the report(s) of the archaeologist/monitor. The Planning Director and his/her designee shall conduct field inspections, as needed.

20. Preservation of Paleontological Resources - FEIR Mitigation Measure

a. To inventory and preserve paleontologic resources previously unrecorded in the Simi Valley, the following program shall be required:

(1) Prior to any Zoning Clearance for CUP-1367 Modification No. 3, a site meeting, attended by a County-approved paleontologic monitor retained by the permittee, ("Monitor"), property owner and heavy equipment contractor shall be held to review the site and conduct the site survey described herein.

(2) The permittee shall have a pre-mining survey conducted by the Monitor who will survey the specific area to be disturbed to locate fossil sites and to document fossil-bearing beds not recorded during the environmental review process. The Monitor will collect and record a representative sample of vertebrate fossil remains and note their stratigraphic occurrence and collect representative samples of invertebrate remains from selected sites and horizons in the lower member of the Saugus Formation.

(3) The Monitor shall be present during the clearing and initial excavation of the lower member of Saugus Formation. Periodic monitoring shall occur during initial excavations in the Modelo Formation, upper member of the Saugus Formation and Quaternary Terrace Deposits. Monitoring frequency shall increase if paleontologic remains are found.

(4) Should vertebrate fossil remains be found during clearing or excavation, the permittee shall notify the County and divert mining activities away from the site until the paleontologic monitor has arrived and removed the remains. Grading of the paleontologic site shall halt until the Monitor allows grading to proceed.

(5) Prior to excavation in the upper member of the Saugus Formation and Quaternary Terrace Deposits the Monitor shall collect representative five-gained sedimentary rock samples from selected horizons. These samples shall be processed for microvertebrate fossil remains and all fossil remains shall be placed into a retrievable storage system. Monitor shall file the accompanying field notes, maps and photos at the Natural History Museum of Los Angeles County (LACM) or other designated repository at the discretion of the County.

(6) The Monitor shall prepare a summary report containing an inventory and description of the significance of accessioned remains, following the initial mining of the following geographic areas approved for mining: a) north of Little Tripas Canyon; b) south of the main haul road, west of the main quarry; and c) north of the main haul road, west of the main quarry, and east of Little Tripas Canyon. Copies of this report shall be sent to LACM.
(7) The Monitor shall periodically spot check exposures in the quarry for vertebrate fossil remains and invertebrate specimens that are unusually well preserved or represent rare taxa or taxa not previously collected.

b. Throughout the life of the quarry operation, and upon consent of the permittee any qualified paleontologist shall be allowed access to the study area to collect fossil remains or to investigate the geology of the area if such access would not disturb operations or represent a safety hazard.

Mitigation Monitoring:

The Planning Division shall monitor this Mitigation Measure during the life of the permit on an "as needed" basis.

The Planning Director and his/her designee shall receive, review for compliance with this condition, and file the report(s) of the paleontologist/monitor. The Planning Director and his/her designee shall conduct field inspections, as needed.

21. Severability

If any of the conditions or limitations of this Permit are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.

22. Hours of Operation

The maximum operating hours at the site shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DAYS PER WEEK</th>
<th>HOURS PER DAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Plant and processing operations*</td>
<td>7</td>
<td>24</td>
</tr>
<tr>
<td>b. Mining activities</td>
<td>7</td>
<td>Daylight Hours</td>
</tr>
<tr>
<td>c. Maintenance</td>
<td>7</td>
<td>24</td>
</tr>
<tr>
<td>d. Shipping of Materials and Products to and from Site</td>
<td>7</td>
<td>24</td>
</tr>
<tr>
<td>e. Sales and Administrative Office</td>
<td>7</td>
<td>24</td>
</tr>
</tbody>
</table>

* (Includes operation of approved asphalt and concrete mixing plants).

The Planning Director may approve deviations from the above schedule in accordance with the provisions of the Ventura County Zoning Ordinance.

23. Minimum Activity Setbacks from Sensitive Uses

No mineral extraction, mining facility, stockpiling of mineral resources, or related mining activities shall be located within a distance of a public or private property, resource or facility that would constitute a significant danger to such property, resource or facility. To achieve this, the following setbacks shall be followed unless a waiver is obtained pursuant to the provisions of the Ventura County Zoning Ordinance.

a. No processing equipment or facilities shall be located and no mining or excavation shall occur within the following setbacks:

   (1) 100 horizontal feet of any dedicated public street or highway.
   (2) 100 feet of any dwelling not accessory to the project.
   (3) 200 feet of any building used as a place of public assembly, institution, or school.

b. All structures, equipment, mining or excavation activities, and all temporary and permanent manufactured slopes, shall be setback from the permit boundary by at least 20 feet, except as noted in paragraph "a" above and in Condition 24.a. (Staking of Permit Boundary and Approved Mining Areas) below.

c. For the life of this permit, all mining or excavation of material shall occur only in areas within the "limit of mining/excavation" line shown on Exhibits "C-1", "C-2", and "C-3" (Mining Plan).

d. For the life of this permit, all permanent slopes shall be in accordance with the final contour lines shown on Exhibits "D-1", "D-2" and "D-3" (Reclamation Plan).
c. Stockpiling of fines on aquifer outcrop areas is prohibited, except where approved by the Public Works Agency as a waste dump.

f. The minimum setbacks from the permit boundary to the closest project-related grading shall be calculated as discussed below. The slope angle ratios shall be calculated for any project-created slope located between the near edge of the relatively flatter floor of the mined area and nearest permit boundary. If no such project-created slope exists between the floor of the mined area and permit boundary, the average slope of the floor of the mined area shall be used. The Planning Director, in consultation with the Public Works Agency, shall resolve any uncertainty regarding the definition of terms, or over what area the slope calculations apply. Setbacks are based on height of the project-related slope:

(1) If the area has a slope angle ratio equal to, or greater than 2½ to 1 (horizontal to vertical), the minimum setback shall be 20 feet, regardless of the vertical height of the slope.

(2) If the area has a slope angle ratio less than 2½ to 1 but equal to, or greater than 2 to 1, the minimum setback shall be ½ the vertical height of the slope, but in no case less than 40 feet.

(3) If the area has a slope angle ratio less than 2 to 1 but equal to, or greater than 1½ to 1, the minimum setback shall be equal to the vertical height of the slope, but in no case less than 60 feet.

(4) If the area has a slope angle ratio less than 1½ to 1, the minimum setback shall be 150% of the vertical height of the slope, but in no case less than 100 feet.

These setbacks are considered necessary to protect areas outside the permit boundary from potential head-cutting of the project related slopes due to long term erosion. These are not safety requirements to protect against gross slope instability, but rather, reflect the increased susceptibility of steep slopes, and of slopes with large vertical heights, to head-cutting due to long term erosion.

Note: It is understood that the most recent annual SMARA report on file describes areas of the project that may have already encroached upon these setbacks (e.g., Blomker Pit). For such areas, this condition is to be interpreted as not permitting additional encroachment into the setbacks described herein.

24. Staking of Permit Boundary and Approved Mining Areas

Unless already fenced, the areas approved for mining shall be clearly marked or staked on the permit site during the life of the permit, so that mining operations do not inadvertently stray into unpermitted areas. Metal stakes, at least four (4) feet above the ground after installation, shall be installed at the following locations and at the following intervals, unless modified in writing by the Planning Director:

a. At the corners of the permit boundary line. The "corners" means any change in the direction of the boundary line.

b. At 100 (one hundred) foot intervals around the limits of any area(s) subject to project-related grading, as described in each year's annual SMARA report.

c. At 100 (one hundred) foot intervals around the LCA contracted land subject to project-related grading, as described in each year's annual SMARA report.

No grading may occur outside the area defined by these grading area stakes unless so authorized in writing by the Planning Director. Any grading stakes located on the outer perimeter of the project-related grading or located around LCA contracted land, as shown on the approved Reclamation Plan, shall remain in place until the financial assurance has been returned to the permittee by the Planning Division.

Staking shall be installed within 180 calendar days of the approval of CUP-1367 Modification No. 4.

3. Control of Spillage

The permittee shall take all necessary measures to prevent the depositing of excavated and processed materials associated with his operations on public or private thoroughfares. To this end, no vehicle shall leave the project site carrying products from the site unless said products are loaded in a manner
that will prevent them from spilling or flying from the vehicle in accordance with Vehicle Code Section 23114. Furthermore, all such vehicles shall be washed down or otherwise cleaned as needed to prevent products from the site from being unintentionally deposited off-site.

26. Light Emanation

Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area.

27. Painting

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

28. Site Maintenance

The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous condition or unsightly conditions which are visible from outside the permitted area. Equipment and materials may be stored on the site which are appurtenant to the operation.

29. Fencing

At any time during the life of this permit the site shall be fenced for safety reasons when the Planning Director deems it necessary due to the proximity of urban development. The fencing shall be installed in accordance with a reasonable time schedule established by the Planning Director.

30. Signs

No signs shall be constructed, erected, or maintained on the property encompassed by this permit except those required by law or allowed by the County Ordinance Code. Signs shall be posted along the access/haul routes, notifying the users of such thoroughfares that mining related traffic may be using such routes. Signs shall be posted along Bennett Road and Tajo Canyon Road north of Presidio Drive notifying individuals of the nature of operations on the site.

31. Explosives

No explosives shall be used as a regular part of the mining operations subject to this permit.

32. Final Site Reclamation

a. Reclamation Plan - A Reclamation Plan for the site shall be continuously in effect and shall reflect any amendments to the mining plan for CUP-1367, as it may be modified. The Reclamation Plan shall be consistent with the State Surface Mining and Reclamation Act of 1975, as amended, the County Zoning Ordinance, the County General Plan, and the County Water Quality Management Plan (208 Plan). The Reclamation Plan is subject to review by the State Department of Conservation. This plan is in addition to the requirements of Condition 42 (Calculation of Financial Assurances for Site Reclamation). The site Reclamation Plan shall consist of the following general provisions which shall be depicted, where applicable, on Exhibits "D-1", "D-2", and "D-3" (Reclamation Plan). Notwithstanding the depiction of the Reclamation Plan on these exhibits, the following principals shall apply:

1. The final "reclaimed" contours of the site shall be those shown on Exhibits "D-1", "D-2" and "D-3".

2. The ultimate responsibility for reclamation of the permit area rests with the permittee.

3. Prior to the expiration, abandonment, or revocation of this permit, the Reclamation Plan on file shall be reviewed by the Planning Director to determine if natural conditions in the area have changed significantly enough to warrant modifying the previously approved Reclamation Plan.
(4) Upon final reclamation, all surface and sub-surface equipment, structures, facilities and improvements, equipment, stockpiles, wastes, debris on the site shall be removed, except for those specifically depicted on Exhibits "H-1", "H-2", and "H-3" (End Uses) and described in Condition 78 (Approved End Use Infrastructure), and potentially hazardous features or conditions shall be corrected. (Exception: Public Works Agency approved waste dumps.)

(5) All sub-surface foundations and/or structural supports shall be removed unless buried at least four feet below grade and a Notice of Uncompacted Fill is recorded on the property denoting the location of such improvements. If foundations and piling are removed entirely, this Notice requirement does not apply.

(6) In implementing this Reclamation Plan, all applicable Federal, State, and local laws, ordinances, and regulations, as amended, shall be adhered to.

(7) Reclamation shall only be deemed complete after it has been demonstrated to the Planning Director’s satisfaction that all facets of the Reclamation Plan such as revegetation and slope stability have been implemented and are successfully established.

(8) As final slopes, contours, and configurations of the excavated areas are reached, they shall be revegetated in a manner described in Condition 77 (Revegetation Component of the Reclamation Plan).

(9) All final slopes shall be no steeper than two to one (horizontal to vertical), unless it can be demonstrated to the satisfaction of the Public Works Agency that steeper slopes are appropriately stable.

(10) The final grade of the floor of mined areas shall have a minimum two percent grade to facilitate drainage unless otherwise provided for in the Reclamation Plan.

(11) The original streams on the project site shall be rehabilitated and recontoured to resemble the natural drainage pattern for erosion and sedimentation control.

(12) There shall be no undrained depressions except for catchment basins, drainage areas, or other uses authorized as a part of Exhibits "D-1", "D-2", and "D-3" (Reclamation Plan).

(13) Only slopes disturbed after January 1, 1976 shall be subject to reclamation.

(14) A demolition permit shall be secured by the permittee from the Building and Safety Division prior to the removal, cutting or capping of any utilities on the site (e.g., gas, water, electricity, fuel lines, sanitation, other).

(15) Minor deviations in the Plan may be approved by the Planning Director upon the advise of applicable agencies.

b. **Unanticipated Reclamation** - Should mining at the site cease before the final mined contours have been reached, the approved Reclamation Plan may have limited application. In such instances, the permittee may opt to modify the Reclamation Plan to address the conditions of the site as they exist at the time mining ceased. The following provisions shall be incorporated into the revised Reclamation Plan:

(1) All the reclamation provisions described immediately above shall be incorporated, as determined necessary by the Planning Director, in consultation with the Public Works Agency.

(2) The end uses and respective revegetation mixes referenced in Condition 77 (Revegetation Component of the Reclamation Plan) shall be applied to the disturbed lands that exist when mining ceases. Those are generally based upon the resulting slope of the mined lands as follows: open space = 3:1 or greater; cattle grazing = less than 3:1 to 5:1; and dry farming = flatter than 5:1.

13. **Mining and Reclamation of Permit Area Under LCA Contract**

a. Mining of land under LCA contract shall only occur in 25-30 acre units of land exclusive of haul roads. Prior to initiating mining on additional areas under LCA contract, previously mined areas shall be reclaimed back to agricultural uses consistent with the LCA contract so that no more than 25-30 acres subject to LCA are open/disturbed.
b. In order to ensure continued agricultural viability of the acreage under LCA contract, during the annual inspection conducted pursuant to SMARA as amended, the County will determine if the number of livestock, size and viability of land, meet the intent of the LCA contract and guidelines. The Planning Director may defer this determination to the Agricultural Advisory Committee where an expert technical opinion is needed regarding compliance with the LCA Guidelines.

c. Should the Planning Director find that the mine operator is unable to meet the intent of the LCA contract, the Planning Division with the concurrence of the Agricultural Advisory Committee will require the mine operator to apply for either partial cancellation and/or non-renewal for the portions of LCA lands within the mining area that do not meet the intent of the LCA contracts.

34. Annual SMARA Inspection and Annual Condition Compliance Inspection

a. Pursuant to State law, the County shall conduct an annual inspection in accordance with the requirements of SMARA, as amended. The permittee shall pay for the costs associated with this inspection pursuant to Condition 40 (Monitoring, Review, and Enforcement Costs and Billings).

b. In addition to the requirements of paragraph "a", the Planning Director shall also inspect and determine if the operation is in compliance with all permit conditions, and whether there have been significant changes in surrounding land uses, environmental conditions, mining technology, or if there is other good cause which would warrant the filing of an application for revocation, suspension or modification of the permit. If such an application is filed, it shall be in accordance with the provisions of the Zoning Ordinance Code.

c. In implementing paragraph "a" and "b" above, the Planning Director shall make available to any city, organization, or concerned party, the results of said investigations including copies of the condition compliance inspections, the results of the Mitigation Monitoring Program, SMARA inspections, and any and all other relevant information pertaining to this duty.

35. Annual Aerial Photograph of Site

Annually, the permittee shall, in conjunction with the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection), provide the Planning Director with an aerial photographic view of any portions of the permit area which have been excavated or reclaimed. The aerial shall be at one (1) inch to 500 feet. The purpose of this photograph is to facilitate the annual inspection and condition compliance review. At the discretion of the Planning Director, permittee may submit an industry-wide alternative to site-specific aerial photographs, if said photograph is current and covers the areas affected.

36. Reporting Accidents

The permittee shall immediately notify the Planning Director of any incidents such as fires, explosions, spills, land or slope failures, or other conditions at the site which could pose a hazard to life or property outside the permit area. Upon request of any County agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident. This condition does not supersede nor replace any requirement of any other governmental entity for reporting incidents as described above.

37. Contact Person

Annually, in conjunction with Condition 34 compliance (Annual SMARA Inspection and Annual Condition Compliance Inspection), the permittee shall provide the Planning Director with the name and/or position title, address, and phone number of the permittee's field agent and other representatives who shall receive all orders and notices as well as all communications regarding matters of condition and code compliance at the permit site. There shall always be such a contact person(s) designated by the permittee. If deemed necessary by the Planning Director, one contact person(s) shall be available 24 hours a day to respond to complaints by citizens and the County. If the address or phone number of the permittee's agents should change, or the responsibility be assigned to another person or position, the permittee shall provide the Planning Director with the new information 10 calendar days prior to making the change effective.

38. Resolution of Complaints
The following process shall be used to resolve complaints related to the project:

a. All complaints shall be first directed to the permittee's contact person established pursuant to Condition 37 (Contact Person).

b. As soon as possible, but no later than one day after receiving a complaint from the County or a citizen, the permittee shall investigate the complaint.

c. The permittee shall report his findings to the complainant as soon as possible, but no later than one day after receiving a complaint, unless otherwise agreed to by the parties in question.

d. If the problem persists, a citizen may refer the matter to the Planning Division through the formal complaint process.

39. Proprietary Information

Proprietary information and/or trade secrets which are required to be submitted shall be so identified by the permittee, submitted apart from the other required materials, and confidentially maintained by the public agencies having access to it. Such information shall be requested on an as-needed basis only by the applicable County agency or department head.

"Proprietary information" means information which the County determines would reveal production, reserves, or rate of depletion of the operations of the permittee. Any information which is not proprietary is a matter of public record.

40. Monitoring, Review, and Enforcement Costs and Billings

The permittee shall hear the full costs reasonably incurred by the County or its consultant necessary for reviewing and monitoring permit operations as required by specific conditions of this permit, and for enforcement activities such as inspections, civil penalty hearings, forfeiture of securities, and suspension of permits which are related to confirmed violations. The work by County personnel shall be billed at the Board of Supervisors approved contract rates in effect at the time.

To ensure that funds are available for the legitimate and anticipated costs incurred for the above described reviews, monitoring, and enforcement, the permittee shall deposit $5,000.00 with the County prior to the issuance of a Zoning Clearance for CUP-1367 Modification No. 3. Once the project is in full operation, the required deposit fee may be adjusted by the Planning Director to an amount commensurate with the anticipated ongoing costs of review, monitoring, and enforcement of the permit. The maximum amount of such deposits shall be $5,000.00.

Upon receiving notice from the County that the required deposit fee is below the required level or that the County is to be reimbursed for its costs associated with the permit, the permittee shall have 30 days to restore the deposit fee to the required level or pay the costs billed to him. Such notice shall be accompanied by an itemized accounting of how deposited funds have been spent. Failure to pay the required bill or maintain the required deposit fee balance shall be grounds for suspension or revocation of the permit.

41. Civil Penalties

In case of any failure by the permittee to perform or comply with any term or provision of this conditional use permit, the final decision-making authority that would act on the permit may, after notice to the permittee and a public hearing, determine by resolution the amount of the civil penalty, not to exceed $25,000.00, to be levied against the permittee. Said penalty shall be paid within 30 calendar days unless the penalty is under appeal. Failure to pay the penalty within the allotted time period shall be considered grounds for suspension of the subject use, pursuant to the provisions of the Ventura County Zoning Ordinance, until such time as the penalty is paid. The payment of a civil penalty shall not insulate the permittee from liability in excess of the sum of the penalty for damages or injury or expense or liability suffered by the County of Ventura from any breach of the permittee of any term or condition of said permit or of any applicable ordinance or of this security. Said penalty is separate from the penalties that the County may impose pursuant to SMARA. The amount of the civil penalty ceiling may be increased by the Planning Director to adjust for inflation.

42. Calculation of Financial Assurances for Site Reclamation

Annually, the permittee shall submit a financial surety in an amount and form acceptable to the Planning Director. This surety shall be sufficient to ensure the recovery of the County costs to reclaim
the site in accordance with the approved Reclamation Plan and applicable requirements of SMARA
and County ordinance codes, as they may be amended, if the permittee or landowner fail to reclaim
the site. The surety shall be adjusted annually in accordance with accepted State and County
guidelines for calculating current reclamation costs. These factors shall include, but not be limited to,
existing disturbed acreage, acreage proposed to be disturbed during the following 12 months,
contingencies, administration, and inflation. In order to determine the appropriate financial
assurance, the permittee shall submit to the Planning Division, the required Annual Status Report. In
case of a failure to conform or comply with any term or provisions of the Reclamation Plan or to
correct off-site damage or problems, the final decision-making authority that would act on the permit
may, after notice to the permittee and a public hearing, by resolution, declare all or part of the
security not be released until after all the applicable conditions of the Reclamation Plan have been met
to the satisfaction of the Planning Director.

43. Proof of Insurance

For the life of the permit, the permittee shall maintain, liability insurance of not less than $500,000 for
one person, $1,000,000 for all persons, and $2,000,000 for property damage. This requirement shall
not preclude the permittee from being self-insured.

AIR POLLUTION CONTROL DISTRICT CONDITIONS:

44. Facilities Subject to APCD Regulations

Facilities shall be constructed and operated in accordance with the rules and regulations of the Air
Pollution Control District (APCD).

45. Equipment Inspection and Maintenance Program

The applicant shall implement an annual, routine inspection and maintenance program for all mining
equipment and haul trucks, if such a program is not already in place and shall submit the results of
the inspection to the APCD with the annual compliance (SMARA) report. The program requires
periodic inspection of engines, emission controls and truck tires in order to keep equipment operating
with the lowest emission rates feasible. This Condition shall expire one year from January 16, 1992
unless a condition for development of such a program becomes a standard condition imposed by
APCD on all mining permits.

46. Dust Control Program

To control fugitive dust emissions from the site, the following program shall be followed:

a. The permittee shall control on-site fugitive dust by the use of a water truck at least three times
   a day (except after rainfall) and/or the use of environmentally safe chemical suppressants in the
   following areas: all paved and unpaved haul roads to and from the mining expansion area; all
   stockpiles in the new mining site, and all currently mined slopes that are temporarily inactive
   (i.e., inactive for twelve months). Road oils shall not be used for dust suppression.

b. During periods of high winds (over 50 miles per hour) all grading and excavation shall be
curtailed.

c. The permittee shall sufficiently water or cover all material transported off site to prevent
   excessive fugitive dust.

d. The permittee shall post a sign limiting haul trucks to an onsite speed of 25 miles per hour.

e. Prior to commencement of mining in the mining area, the haul road shall be paved or surfaced
   with gravel.

47. Wind Erosion Control Program

To control and reduce wind erosion, all slopes mined after January 1, 1976 and other inactive areas of
the active mining site that would be inactive for more than twelve months shall be seeded with annual
grasses to encourage a temporary grass cover, as determined feasible by the Planning Director. The
seed mix(es) so used shall be in compliance with Condition 77 (Revegetation Component of the
Reclamation Plan).

48. Trucks Utilized for Hauling
Trucks used for hauling ore from the west side of the mine site shall be 100-ton capacity. Fifty-ton trucks may be utilized in the following circumstances only: emergencies verified by the Planning Director, or upon breakdown or maintenance of the 100-ton trucks.
49. Authority to Construct

An APCD Authority to Construct and APCD Permit to Operate shall be obtained prior to construction for all equipment subject to APCD permit requirements.

ENVIRONMENTAL HEALTH DIVISION CONDITIONS:

50. Liquid Waste Section Permit - New Construction

Prior to the issuance of building permits for construction of any structures containing domestic plumbing fixtures, the permittee shall obtain a permit from the Liquid Waste Section of the Environmental Health Division for the design approval and installation of an onsite sewage disposal system.

51. Liquid Waste Section Permit - Existing Structures

Prior to the issuance of the Zoning Clearance for CUP-1367 Modification No. 3, the septic systems (tanks) serving the existing structures shall be repaired/modified to provide access to the tanks to comply with setback requirements. A permit from the Liquid Waste Section of the Environmental Health Division must be obtained prior to any repair/modification construction.

52. On-site Septic System Plan

Prior to the issuance of the Zoning Clearance for CUP-1367 Modification No. 3, the applicant shall submit a detailed site plan, drawn to scale (1" = 40') showing the locations and design dimensions of all onsite sewage disposal systems and the structures they serve.

53. Easement - Service Area 32

Prior to the issuance of the Zoning Clearance for CUP-1367 Modification No. 3, the permittee shall grant one easement to County Service Area 32, a Septic Tank Maintenance District.

54. LARWOCB Approval

Prior to the issuance of the Zoning Clearance for CUP-1367 Modification No. 3, the permittee shall submit a copy of the approval (Waste Discharge Permit) from the Los Angeles Regional Water Quality Control Board for the surface discharge of process wastes.

55. Underground Hazardous Materials Storage

Prior to the issuance of the Zoning Clearance for CUP-1367 Modification No. 3, the existing underground hazardous materials storage tanks must be brought into full compliance with the regulations set forth in Chapter 6.7 of the California Health and Safety Code.

56. Hazardous Waste Regulation

The storage, handling, and disposal of potentially hazardous wastes shall be in compliance with all applicable State regulations.

57. Domestic Waste Discharge

Only "domestic waste" as defined in the Uniform Plumbing Code shall be discharged into the onsite sewage disposal systems.

58. Maintenance Water Discharge

Waste from vehicle washdown and maintenance areas shall not be discharged into an onsite sewage disposal system.

59. Water Impoundments Design

Water impoundments shall be designed and maintained in a manner that will not create mosquito breeding sources.
IRE PROTECTION DISTRICT CONDITIONS:

60. Changes Requiring Fire Protection District Approval

   The permittee shall obtain Fire Protection District approval prior to:

   a. modifying any fire access road or fire protection equipment;
   b. constructing new structures or additions to existing structures; and
   c. adding new or relocating existing processing equipment.

61. Spark Arresters Installation

   Spark arresters shall be installed on all naturally aspirated (i.e., non-turbocharged) internal combustion engines.

62. Storage of Flammable/Combustible Liquids

   Any storage and use of flammable/combustible liquids shall comply with the Uniform Fire Code.

PUBLIC WORKS AGENCY CONDITIONS:

63. Monitoring and Analysis of Water Wells

   a. Water Level Monitoring - The water level at Well Nos. 31 and 32 shall be monitored by the permittee at least semi-annually. All collected data shall be submitted to the Public Works Agency annually for review throughout the life of this permit. Within 60 calendar days of the approval of CUP-1367 Modification No. 4, the permittee shall provide the Public Works Agency with said data from Well No. 32 for that period of time from November 1992 forward, or a written explanation as to why it is not available.

   b. Recycling Pond Water Quality Analysis - In conjunction with the Annual Status Report, the permittee shall submit to Planning Division for review by the Public Works Agency, laboratory analysis results (from a certified laboratory) of the water quality samples required by the Regional Water Quality Control Board - Los Angeles Region discharge requirements. The purpose of the sample reports is to monitor the quality of percolated waste water from the recycling ponds at the project site.

   c. Additional Water Level and Ground Water Quality Monitoring Wells - The permittee shall either: 1) install one additional monitoring well, located where determined necessary by the Public Works Agency; or 2) make use of an existing well (e.g., Well No. 15), located approximately mid-project, subject to Public Works Agency approval. Prior to constructing additional well(s), the permittee shall obtain the necessary permit from the Public Works Agency - Water Resources Division. Said well location shall be installed or use activated within 180 calendar days of the approval of CUP-1367 Modification No. 4, unless determined unnecessary by the Public Works Agency.

   d. Ground Water Quality Analysis - The ground water from Well Nos. 31 and 32 shall be sampled at least semi-annually and analyzed by a State-approved laboratory for complete mineral concentration. Data shall be submitted to the Public Works Agency annually for review. If the total dissolved solids (TDS) of any sample exceeds 1,000 mg/l, or is 25% greater than the initial (base condition) sample from Well No. 31, wash areas shall be lined with County-approved impervious material or moved to the area underlain by the silty-clay member of the Pico Formation. Within 60 calendar days of the approval of CUP-1367 Modification No. 4, the permittee shall provide the Public Works Agency with said data from Well No. 31 for that period of time from March 1993 forward, or a written explanation as to why it is not available.

   e. Reporting - The above described monitoring and analysis results shall be summarized and included in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

64. Grading Plan

   The issuance of a grading permit is required for all grading activities, outstanding of those associated with the approved quarry operations. If no grading of this type is necessary, then no grading permit would be required.
Prior to commencing such grading, the permittee shall: a) submit to the Public Works Agency, for review and approval, a grading plan prepared by a Registered Civil Engineer; b) obtain a Grading Permit; and c) post sufficient surety guaranteeing the completion of the grading, if required.

65. Limitations on Mining Area, Depth and Slopes

Groundwater levels in or near the project area submitted to the Public Works Agency by the permittee's consultant are accepted as the historical high groundwater levels for those areas. A minimum 10 foot clearance must be maintained above maximum high groundwater in all existing and proposed excavations or quarry operations. Maximum excavation depth is established at 1,460 feet in the eastern portion of the permit area at the Blomker Pit, and at 1,510 feet in that portion of the permit area at the Slot Pit. The approved maximum excavation depths shall extend laterally to a point approximately midway between the two pits.

If High Groundwater is Encountered - In the event mining results in the exposure of groundwater, the permittee shall immediately cease all mining activities at that location and advise the Planning Director. The planning Director, in consultation with the Public Works Agency, will direct the permittee regarding the action needed to remedy this condition (i.e., properly refill the area to protect the groundwater).

66. Refill Material

All excavated areas requiring refill shall be refilled with a material approved by the Public Works Agency so as not to reduce the percolation rate or cause detriment to the replenishment of the Tapo Canyon Aquifer. Use of refill material shall be subject to the following:

a. Proposed Refill Materials - Refill material shall be a mix of 50 percent topsoil (native material) and 50 percent quarry spoils (silt and washed fines). Such samples must reach an in-place percolation rate of 50.75 gallons per square foot per day or greater, per initial results on initial control samples previously submitted by the project consultant.

b. Field Testing of Refill Material - The permittee shall conduct field percolation tests of refill material placed in those excavated areas referred to as the Blomker Pit and the Slot Pit. One shallow percolation test shall be conducted for every two acres of reclaimed quarry area, at vertical intervals of not less than 10 feet of placed fill material. In-place percolation tests shall achieve results of 50.75 gallons per square foot per day minimum. Areas where percolation rates of less than the specified flow volume are found, shall be removed with appropriate earth excavation equipment and reworked until satisfactory results are achieved, or replaced with more suitable refill material. A map of the project site, indicating percolation test locations and elevations, shall be included in the Annual SMARA Report.

c. Refill Monitoring - Refill operations shall be monitored by the permittee, and a County approved soil testing firm shall be hired by the permittee and notified by the permit operator at appropriate intervals as specified above to verify field test results or sampling frequency. Copies of verified soil tests performed by the independent qualified soils testing firm shall be submitted to the Planning Division for review by the Public Works Agency on an annual basis.

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

d. Field Percolation Tests/Methods - Field percolation test methods shall be conducted following the guidelines and procedures as outlined in the Public Works Agency Waterworks Manual. These percolation tests shall be conducted per the frequency and interval as described in paragraph "b" immediately above. A summary of these test results shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

67. Design of Erosion Control Devices

The design of all drainage and erosion control devices shall be performed by a registered Civil Engineer.
1. **Installation of Erosion Protection, Main Quarry**

   a. Within 180 days of approval of Modification No. 3, permittee shall install erosion protection structures as indicated on the Reclamation Plan for the existing site (Exhibit "D-3") to the satisfaction of the Public Works Agency.

   b. Annually, the permittee shall install necessary temporary erosion protection structures in the main quarry area to the satisfaction of the Public Works Agency.

69. **Prevention of Reduced Ground Water Recharge**

   In order to prevent the reduction of ground water recharge due to mining operations in the permit area, a Ground Water Basin Protection Plan (GWBPP) which implements the following measures shall be submitted to the Public Works Agency within 180 days of the approval of CUP-1367 Modification No. 3, and shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection):

   a. Terraces, drainage berms and drainage basins shall be designed to maximize the potential infiltration of runoff.

   b. Drainage basins and open mining pits shall be periodically cleared of debris and fine soils material to maximize the rapid infiltration into the subsurface. Schedules and techniques for the removal of fines and debris from these areas shall be documented in the GWBPP.

   c. A layer of Sangus Formation material, not less than ten (10) feet in thickness, shall be left over impermeable Modelo Formation to increase potential infiltration into the ground water basin.

70. **Reduction of Impact to Ground Water from Standing Water**

   To reduce the retention time of water in the mining pits and in the drainage basins, these areas shall be periodically cleared to allow for rapid percolation. Within 180 days of the approval of CUP-1367 Modification No. 3, schedules and techniques for the removal of fines and debris from these areas shall be submitted to the Public Works Agency and shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

71. **Reduction of Impact to Ground Water from Accidental Spills**

   The following procedures shall be followed to reduce the potential impact to ground water quality from accidental spills from petroleum hydrocarbons in the permit area:

   a. Fuels, solvents and any other fluids that may contaminate soils, ground water or surface water shall be stored in the areas that have impervious floors and impervious sidewalls with sufficient capacity to contain accidental spills.

   b. Fueling and maintenance operations of vehicles and equipment at the mining area shall be conducted in areas with impervious surfaces.

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

72. **Reduction of Impacts from Ground Motion - FEIR Mitigation Measures**

   To reduce the impact due to strong ground motion, the following measures shall be implemented.

   a. All structures shall be constructed in accordance with the Ventura County Building Code including Chapter 70 of the Uniform Building Code.

   b. In conjunction with the submittal of the building plans for the issuance of a building permit for any proposed structure, the permittee shall submit to Building and Safety for the review and approval of the Public Works Agency a Geotechnical Report and an Engineering Geology Report. These Reports shall address the reduction of the potential of impacts due to strong ground motion resulting from earthquake activity.
Mitigation Monitoring

If new structures are proposed, the County Public Works Agency will monitor this Mitigation Measure through its plan review, permit issuance and site inspection functions.

73. Reduction of Impacts from Potential Slope Instability and Hydraulic Hazards - FEIR Mitigation Measures

a. A qualified engineering geologist and/or geotechnical engineer shall annually conduct and prepare for the review and approval of the Public Works Agency a slope stability investigation to include consideration of the stability of temporary cuts during mining operations and permanent cut slope after mining operations, as well as recommendations from mitigation of slope failure hazards such as slope configuration, safe excavation procedures, and use of standard engineering practices including buttressing, cut and fill excavation, and control of drainage on landslides.

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

b. The results of these analyses shall be included in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

Mitigation Monitoring

The Public Works Agency will monitor this Mitigation Measure through its plan review, permit issuance and site inspection functions.

The Planning Division will include results of the analyses by the Public Works Agency in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

74. Slope Stability Analysis: Landslide Area - FEIR Mitigation Measure

Prior to commencement of mining operations in the areas adjacent to the identified landslide located on Exhibit "C-2" (Mining Plan), a Stability Analysis, which shall include recommendations on how the mining operations shall be activated in that area, shall be conducted and submitted to the Public Works Agency for review and approval.

Mitigation Monitoring

The Public Works Agency will monitor this Mitigation Measure through its plan review, permit issuance and site inspection functions.

The Planning Division will include results of the analyses by the Public Works Agency in the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection).

ADDITIONAL PUBLIC WORKS AGENCY CONDITIONS RESULTING FROM THE APPROVAL OF CUP-1367 MODIFICATION NO. 4:

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

Unless otherwise approved by the Public Works Agency, all final slopes shown on the approved Reclamation Plan shall meet both of the following criteria:

a. Have a slope safety factor of at least 1.5 for gross stability, and

b. Have a slope angle ratio of no less than 2:1 (horizontal to vertical).

The safety factor of 1.5 is designed to ensure the long term stability of a slope, based on the assumption that no maintenance is performed on the slope once the Reclamation Plan is complete. The minimum slope angle ratio of 2:1 is designed to minimize the long term erosion potential of the slope, provide for successful planting of the slope, and provide for passage of cattle and wildlife across the slope consistent with the post-reclamation end uses of the site. Since these criteria are concerned with different issues, both criteria must be met or exceeded.
The slope angle ratio resulting from the above criteria may be modified by the Planning Director, in consultation with the Public Works Agency. The slope safety factors for the project slopes shall be determined by a qualified professional, acceptable to the Public Works Agency, as part of the Reclamation Plan or any updates submitted to the County.

76. Alternative Plans for Backfilling of Final Reclaimed Slopes

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

a. The backfilling is undertaken in stages throughout the life of the project in order to prevent all or most of the backfilling from occurring at or near the end of the project mining/excavation activity; and

b. Adequate reserves (both in quantity and quality) are available for backfilling. The location of the material reserves must be identified to the satisfaction of the Planning Director, and must be shown to meet the requirements and standards of the Public Works Agency.

The term "backfilling" does not apply to top soil and soil amendments required to revegetate the site as shown on Exhibits "H-1", "H-2" and "H-3" (End Uses) and described in Condition 77 (Revegetation Component of the Reclamation Plan). These top soil and soil amendments shall not exceed a depth of 5 vertical feet at any given location.

ADDITIONAL PLANNING DIVISION CONDITIONS RESULTING FROM THE APPROVAL OF CUP-1367 MODIFICATION NO. 4:

77. Revegetation Component of the Reclamation Plan

Purpose of Revegetation - The permittee shall be responsible for reclaiming all the disturbed acreage associated with the permitted use as described in Condition 1 (Permitted Uses) which includes but is not limited to all the mined area, plant site, and temporary stockpiles. Treatment methods will comply with SMARA, as amended, and other applicable federal, state and local laws and regulations. The reclaimed area will be restored in a manner consistent with the approved Reclamation Plan (Exhibits "D-1", "D-2" and "D-3") and identified end uses (Exhibits "H-1", "H-2" and "H-3"), and shall be done in a manner that affords long-term self-sustained revegetation of the site. Where land is not identified on the exhibits with a specific end use, it will be considered "open space" as an end use.

Method of Revegetation - Revegetation will consist of seeding with native grass seed mix, shrub seed mix and a barley seed mix as indicated below, or with a substitute seed mix approved by the Planning Director, via Permit Adjustment, in the event that a designated seed mix is unavailable or cannot be successfully demonstrated. Seeding shall occur each year in the Fall (October 1 to December 15) or the most favorable period of the year for seed germination. Temporary stockpiles will be seeded with the approved grass seed mix, indicated herein, at a designated rate for erosion control.

a. Approved Seed Mixes - End Use Open Space

(1) Native Grass Seed Mix - The native grass seed mix will be applied at a rate of 20 pounds/acre to all mined slopes, exclusive of roadways, streams, erosion control facilities, rocky outcroppings and oak savannahs. Mulching will be employed to control erosion during the winter storm season and assist germination by providing a stable ground cover to help the soil retain moisture. The approved native grass seed mix is:

<table>
<thead>
<tr>
<th>Annual Grass Mix</th>
<th>lbs./ac.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hyssop Rose Clover (Trifolium hirtum)</td>
<td>2.5</td>
</tr>
<tr>
<td>Barley (Hordeum brachyantherum)</td>
<td>2.5</td>
</tr>
<tr>
<td>Zorro fescue (Festuca megalora)</td>
<td>6</td>
</tr>
<tr>
<td>Meadow barley (Hordeum californicum)</td>
<td>3</td>
</tr>
<tr>
<td>California brome (Bromus carinatus)</td>
<td>6</td>
</tr>
</tbody>
</table>
Shrub Seed Mix - The native shrub mix will be applied at a rate of 30 pounds/acre to reclaimed arroyos and prominent ground depressions where it will provide cover for wildlife species. The approved shrub seed mix is:

<table>
<thead>
<tr>
<th>Shrub Seed</th>
<th>lbs/ac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Sage (Salvia mellifera)</td>
<td>5</td>
</tr>
<tr>
<td>Zoro fescue (Festuca nigroveneta)</td>
<td>7</td>
</tr>
<tr>
<td>Haplopappus (Haplopappus squamosus)</td>
<td>4</td>
</tr>
<tr>
<td>Deerweed (Lotus scoparius)</td>
<td>5</td>
</tr>
<tr>
<td>California buckwheat (Eriogonum fasciculatum)</td>
<td>5</td>
</tr>
<tr>
<td>Golden yarrow (Eriophyllum confertiflorum)</td>
<td>4</td>
</tr>
</tbody>
</table>

b. Approved Seed Mixes - End Uses of Dry Farming and Cattle Grazing

Barley Seed Mix - Until the vegetation associated with dry farming and with cattle grazing has been established, a barley seed mix is to be used. The barley seed mix is to be a "certified" barley seed mix and will be applied to slopes that are less than 3:1 to 5:1 and slopes that are flatter than 5:1 (as indicated on the graphic portion of the reclamation/ revegetation plan). For the less than 3:1 to 5:1 slopes, the barley seed mix will be broadcast at a rate of 50 pounds/acre. Mulching will be employed to minimize erosion on these less than 3:1 to 5:1 slope areas. For slopes flatter than 5:1, the barley seed mix will be broadcast at a rate of 50 pounds/acre and mulching is unnecessary. The approved barley seed mix is:

<table>
<thead>
<tr>
<th>Barley seed mix</th>
<th>lbs/ac</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barley (Hordeum vulgare)</td>
<td>50</td>
</tr>
</tbody>
</table>

Under SMARA, the permittee is required to ensure a vegetative cover suitable for the end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilization. Since the barley seed mix does not meet this requirement, it is only considered herein as an interim seed mix. Annually, the permittee shall submit to the Planning Director, evidence that similar end uses are being successfully conducted on the Permit or adjacent parcels. This will afford the Planning Director the ability to incorporate the barley seed mix into the annual calculation of financial assurances (i.e., calculating financial assurances based on the need for 1/2 years of barley seed planting). In the absence of said evidence, the calculation of financial assurances for land approved for the barley seed mix (i.e., end uses of dry farming and cattle grazing) shall be based upon use of the annual grass seed mix described above for Open Space.

c. Verification of Mix Applied - At the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection), the permittee shall provide the County with a copy, in the alternative, of the bill of lading from the seed provider, an itemized list of the seed mix and quantities purchased, by date, signed by the permittee certifying that application occurred as required, or a copy of a purchase order or paid receipt listing the seed mix and quantities purchased, or a receipt from the seed provider which itemizes the required seed mix. This verification need not include costs of the seed.

d. Fertilization Method and Application - A slow-release fertilizer (e.g., Osmocote 14-14-14, or others) will be applied to the seed bed to promote revegetation, provided it does not enhance the growth of weeds at the expense of seeded plants. This slow-release fertilizer will be used in conjunction with the three approved seed mixes. The application of fertilizer will be at rates up to 100 pounds/acre. Seed bed preparation will vary depending upon the soil type and degree of slope, it may range from no action for slopes with loose friable surfaces, to scarification by equipment to break up any hard-crust or compacted areas. For slopes less than 3:1 to 5:1 and slopes flatter than 5:1, once the soil has been prepared and rough graded in accordance with the approved plan, a composite soil sample will be collected from eight (8) locations for each 20 acres and analyzed in order to establish precise fertilization rates.
Mulching shall be used in areas sloped 5:1 and steeper, subject to erosion. A typical treatment in these areas will consist of the uniform application of a weed-free straw over the seed at a rate of three (3) tons/acre for the 2:1 to 5:1 slopes and slopes flatter than 5:1. A crawler tractor shall then be run over the surface of slopes steeper than 5:1 to crimp the straw into the soil. Straw mulch is not required for slopes flatter than 5:1; however, the seed and fertilizer shall be crimped into the soil.

**e. Standards of Performance**

1. **Inspections** - The permit area will be inspected by the County, in accordance with the annual condition compliance inspection of the site conducted pursuant to Condition 34 (Annual SMARA Inspection and Annual Condition Compliance Inspection). This inspection will be conducted for the purpose of evaluating the success of the Revegetation component of the Reclamation Plan utilizing the broadcast seeding system and the grass, shrub and barley mix indicated herein. The on-site inspection will include disturbed, partially reclaimed, and reclaimed areas.

   The County shall be allowed to inspect the site following the occurrence of any major storm or natural disaster for the purpose of gathering information regarding erosion control.

2. **Minimum Coverage Criteria** - Revegetation success for the grass, shrub and barley seeding is defined in the table below. If the permittee cannot demonstrate to the Planning Director during each annual review that the vegetation growth in reclaimed areas has met the following performance criteria, or is likely to meet these criteria within three (3) years, one or more of the following adjustments shall be made via Permit Adjustment: 1) utilization of alternate seeding methods, including hydroseeding, and 2) adjustments to the seed mix application rates, seed species, fertilizer mix application rate and soil preparation method, etc.

<table>
<thead>
<tr>
<th>Seed Mix</th>
<th>Criteria</th>
<th>Alternative Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass</td>
<td>80% cover within three (3) years. No interference of grass establishment by broad leaf weedy species.</td>
<td>Determine cause of failure. Reseed where necessary. Remove weeds.</td>
</tr>
<tr>
<td>Shrub</td>
<td>80% cover within three (3) years.</td>
<td>Determine cause of failure. Replant.</td>
</tr>
<tr>
<td>Barley</td>
<td>90% cover within one (1) year.</td>
<td>Determine cause of failure. Reseed where necessary on an annual basis.</td>
</tr>
</tbody>
</table>

**f. Removal of Foreign Materials** - All material foreign to natural range conditions (equipment, waste materials) shall be removed from the site to be revegetated prior to finish grading.

**78. Approved End Use Infrastructure**

The following describes each type of infrastructure and what is approved to remain in-place to support of the approved end uses of dry farming, cattle grazing, and open space. The permittee shall depict approved end use infrastructure on Exhibits "D-1", "D-2" and "D-3" (Reclamation Plan), and approved end uses and end use infrastructure on Exhibits "H-1", "H-2" and "H-3" (End Uses).

1. **Access Roads** - The following unpaved roads may be retained with a maximum roadway width of 35 feet:

   1. Entrance Road, from near the gate house, proceeding northeasterly to and looping entirely around the shop area, then proceeding westerly to where it intersects with the wide portion of the road labeled "Main Road" on Exhibit "D-3" (Reclamation Plan).

   2. Main Road, on Exhibit "D-3" (Reclamation Plan), from the intersection noted immediately above, proceeding westerly to its terminus on Exhibit "D-2" (Reclamation Plan).
(3) Historic Access Road, from near the gate house on Exhibit "D-3" (Reclamation Plan), proceeding westerly along the southern side of the ponds, then shortly thereafter turning directly west where it enters an adjoining parcel.

(4) Slot Pit Road, north of the road labeled "Main Road" on Exhibit "D-3" (Reclamation Plan) and east of the western-most asphalt pad.

(5) Well and Reservoir Road, north of the road labeled "Main Road" on Exhibit "D-3" (Reclamation Plan) and west of the western-most asphalt pad.

Note: Exception to the 35 foot maximum roadway width may be granted by the Planning Director for those areas that are not directly adjacent to areas subject to reclamation activity.

Annually, the Planning Director will determine which additional roads may be permitted to remain as part of the calculation of financial assurances.

b. Ponds - The permittee shall demonstrate, to the satisfaction of the Public Works Agency, that the capacity and structural integrity of the ponds described in Exhibit "D-3" (Reclamation Plan) are, at a minimum, able to adequately contain waters resulting from a 100-year event. Documentation of the capacity and structural integrity of each pond shall be prepared by a County approved registered civil engineer and submitted to the Public Works Agency for review and approval. If the Public Works Agency determines there is need to make repair to one or more of the ponds, it may be necessary to formally establish a performance bond to ensure said repairs are performed to the satisfaction of the Public Works Agency.

Within 60 calendar days of the approval of CUP-1367 Modification No. 4, the permittee shall provide documentation, to the satisfaction of the Public Works Agency, of the available capacity and structural integrity of all ponds and sediment basins they deem appropriate. Said information shall be thereafter submitted as part of the annual inspection described in Condition 34 (Annual SMARA Inspection and Annual Compliance Inspection).

c. Fuel Tanks (Above or Underground) - All fuels tanks, above or underground shall be removed and the soil remediated to the satisfaction of the Environmental Health Division. A maximum of 1,500 gallons of diesel may be stored in aboveground storage tanks (ASTs) or underground tanks (UGTs) on or under the asphalt pad where the shop is located and/or the asphalt pad located near the gate house. No more than 2 (two) diesel tanks are permitted (i.e., 1 at each location). The installation of said AST/UGT shall be subject to state and local requirements at that time.

Note: A permit modification is required for additional tanks or storage capacity.

d. Buildings - All buildings are to be removed, except for the shop building, gate house and scales, caretaker dwelling, and office building. In the case of the office building, it shall be converted to a use permitted by zoning for the subject parcel.

e. Asphalt Pads - The following asphalt pads may be retained:

(1) the 2.5 acre asphalt pad that includes the shop area;
(2) the 2.8 acre asphalt pad west of the shop area and adjacent to the main road; and
(3) the 6.3 acre asphalt pad near the gate house, and the small asphalt pad at the gate house and scales. (Note: If the asphalt at this location is to be removed at any time in the future, prior
to the removal of this asphalt, the permittee shall consult with the Planning Director and Public Works Agency to determine the activities needed to stabilize the underlying pond materials.

The revised Exhibit "D-3" (Reclamation Plan) shall demonstrate, to the satisfaction of the Public Works Agency that the areas adjacent to the asphalt pads to be retained will be contoured so as to prevent unacceptable levels of sheet washing, gullying, and/or rilling.

f. Concrete Pads and Related Foundations, Pilings, and Above and Below Ground Utilities - All concrete pads and related foundations, pilings, and above and below ground utilities shall be removed to a depth of at least four (4) feet below grade and their locations recorded on the subject property's title as Notice of Uncompacted Fill. Such burial shall result in a final grade that blends with the surrounding contours (i.e., burial is not to occur simply by mounding earth over foundations and pilings. If foundations and pilings are removed entirely, this Notice requirement does not apply.

Note: Exception is granted for the concrete pads and related foundations, pilings, and above and below ground utilities for the retained buildings described above in paragraph "d".

C:\CUPA\1367-4COND_MO4
CONDITIOENS OF APPROVAL FOR

MODIFIED CONDITIONAL USE PERMIT 4874-2
(PL12-0159)

GRIMES ROCK MINING FACILITY

As granted by the Board of Supervisors on October 22, 2013

APNs 500-0-050-13, 500-0-050-34, 500-0-090-26, 500-0-090-27,
500-0-090-29, 500-0-090-05, 500-0-090-32, 500-0-090-33
(File# PL12-0159; CA Mine ID #91-56-0032)

The following conditions of approval constitute the modified Conditional Use Permit 4874-2 (PL12-0159) for the Grimes Rock Surface Mining Facility. These conditions of approval supersede all past permit approvals. This modified permit does not authorize any mining activities that are inconsistent with the Approved Reclamation Plan for this facility approved pursuant to the California Surface Mining and Reclamation Act (SMARA). The operational limitations established in these conditions of approval supersede any production rate figures or alternate hauling frequency cited in the Approved Reclamation Plan. (Note: Amended Reclamation Plan RP12-0001 was also approved by the Board of Supervisors on October 22, 2013.)

1. Permitted Land Uses (Project Description)

The following project description includes the operational limitations and requirements imposed by the terms of this conditional use permit and the reclamation requirements of the associated Amended Reclamation Plan (RP12-0001). All of the requirements of RP12-0001 are hereby incorporated into these conditions of approval. All surface mining activities must be conducted in conformance with the Conditional Use Permit and Approved Reclamation Plan that are currently in effect for the Grimes Rock facility.

Summary:
This modified Conditional Use Permit (CUP 4874-2) and the associated Amended Reclamation Plan (RP12-0001) incorporated herein authorize the following changes to the Grimes Rock surface mining facility:

- Changes to the permit boundary including the expansion of surface mining areas. The permit boundary would be expanded from approximately 164 acres to approximately 231 acres. Parcels to be added to the permit area (i.e. to be the CUP boundary) include 500-0-050-34, 500-0-090-29, 500-0-090-05, and 500-500-0-090-33. The excavation area would be expanded from approximately 45.8
acres (current condition) to approximately 135.3 acres. *(Note: The current permitted area of excavation encompasses 48.4 acres.)*

- An extension of the effective term of the CUP from 2013 to 2040.

- An increase in sand and gravel production (i.e. material export) from 952,500 tons per year to a maximum of approximately 1.5 million tons per year. *(Note: This figure is derived from the average daily hauling truck trip limitation (460 ADT), truck capacity (25 tons), and the 5 days of material hauling operations allowed per week. If this permit is modified in the future to allow a 6-day per week operation, the production could be as much as approximately 1.8 million tons per year.)*

- Material hauling to occur Monday through Friday, 6:00 a.m. until dusk, but not later than 7:00 p.m. *(For purposes of this limitation, the term “dusk” refers to 30 minutes after the time for “sunset” as published in a local newspaper of general circulation.)*

- Onsite mining operations to occur 24 hours per day on Monday through Saturday.

- An annual average daily hauling truck traffic (ADT) volume of 460 one-way trips.

- A maximum daily hauling truck volume of 600 one-way trips, which shall include no more than 220 one-way trips arriving to or departing from the southern entrance of the facility.

- Peak hour trips (PHTs) for hauling trucks arriving to or departing from the facility entrances shall be limited to 300 per day, which shall include no more than 64 PHTs arriving to or departing from the southern entrance of the facility. Peak hours are 6:00am to 8:00am and 3:00 pm to 6:00 pm, Monday through Friday.

- All project-related hauling truck traffic is subject to all applicable provisions of the California Vehicle Code and Streets and Highways Code.

- An end use of Open Space.

**Mineral extraction operations:**

Under the proposed modified CUP 4874-2 and Amended Reclamation Plan, the mining facility will continue sand and gravel excavation and processing operations similar to those that are currently permitted under the existing permit with the changes as described above. Proposed mining excavation and reclamation will occur over three phases as shown on the Amended Reclamation Plan maps and cross sections.
Anticipated operations at the site will include phased recovery of sand and gravel resources and materials processing. Mineral resource recovery operations (excavation) will be accomplished through the use of conventional earthmoving equipment. The extracted materials will be loaded into a crusher and conveyor system for movement to the processing plant. In some areas, off-highway haul trucks may be used to move extracted rock to the processing plant area. The products exported from the subject facility would include washed concrete sand, washed gravel and fill sand.

The total anticipated production (2011-2040) of the extraction operation is estimated to be approximately 42 million tons for the approved 5-day per week hauling operations. The Final EIR analyzed a total production of an estimated 50 million tons, or approximately 1.8 million tons per year over the permit period. That level of production could be achieved if this permit is modified in the future to allow a 6-day per week hauling operation.

The total amount of material estimated to be contained within the limits of the Amended Reclamation Plan and permit boundary is 50 million tons. This tonnage assumes a conversion factor of 1.6 tons per cubic yard applied to the estimated 31 million cubic yards of material volume. The tonnage figure has been adjusted to account for production that has occurred since the topographic base map used to prepare the Reclamation Plan was created. Based upon the load limits for hauling trucks evaluated in the Final EIR, it is estimated that the maximum 460 average daily one-way truck trip limitation for a 5-day per week operation will result in an effective maximum annual production amount of 1.5 million tons of aggregate. *(These figures assume the following calculation: 230 loads per day x 25 tons/load x 260 working days per year = 1,495,000 tons/year).* However, the Final EIR examined a maximum annual production amount of 1.8 million tons for a 6-day per week operation over the permit period ending in 2040.

The operator will continue to utilize the existing processing plant and equipment to operate and process materials.

The mining activities would involve the removal of hills located within the proposed excavation area. The mining method will be to place a bulldozer on top of the promontory and push material off the top and down the face of the slope, moving from the peak of the hill towards the base of the hill. A front-end loader will place the bulldozed material on the conveyor system for processing. All new slopes will be cut to 2:1 horizontal:vertical (h:v). The lower one-third of final slopes will be graded in a concave configuration in order to blend with the floor of the mine.

The mineral resource extraction will occur in three phases. The timing for these phases may change in the future depending upon market demand.
Phase 1 will consist of extracting aggregate resource from the existing disturbance limits down to the current (2013) pad elevation near the wash plant (approximately 1,130 feet AMSL). Also during Phase 1, existing highwalls that are located along the western property line will be removed. Excavation during Phase 1 will also progress toward the eastern and southeastern areas of the site.

There is an existing paved access road to the southern part of the project site that connects to Grimes Canyon Road (SR 23) approximately 700 feet north of Shekell Road. This road will be used for onsite material hauling and to access SR 23. Material hauling trucks arriving from the south or departing to the south on SR 23 will use this existing paved road. The use of this existing paved road will limit project-related hauling truck traffic on the steep and curving portion of SR 23 (i.e. Grimes Grade).

Phase 1 will result in the extraction of approximately one-third of the total aggregate reserve included in the Reclamation Plan. Extractive operations in Phase 1 are expected to continue for approximately 10 - 15 years depending on the demand for aggregate resources. At the maximum production rate, Phase 1 will take 12 years to complete. Topsoil will be salvaged from new disturbance areas and stockpiled on-site for use during reclamation. Final slopes will be graded to a maximum slope ratio of 2:1 (h:v) with undulating surfaces to blend in with the surrounding natural terrain. Upon completion of extraction operations within Phase 1, Phase 2 will commence.

In Phase 2, excavation will continue to progress toward the eastern end of the site down to a pad elevation of approximately 1,130 feet AMSL. A gradient of approximately 1% will be maintained for the interim floor created by Phase 2 excavation. Extractive operations in Phase 2 will result in an excavation footprint that encompasses approximately 58 acres. The total quantity of material to be excavated in this phase is estimated to be approximately one-third of the total aggregate reserve included in the Reclamation Plan. It is anticipated that Phase 2 will continue for approximately 10 - 15 years depending on the demand for aggregate resources. At the maximum production rate, Phase 2 will take 12 years to complete.

Final slopes of 2:1 (h:v), with undulating surfaces, will be established. Also during Phase 2, topsoil will be salvaged from new disturbance areas and stockpiled onsite for use during reclamation.

Phase 3 will involve continued extraction of aggregate resource until the final pad elevation on approximately 1,000 feet AMSL is reached. A 1% gradient will be created the final floor configuration. Mineral extraction in Phase 3 is expected to remove the remaining approximately one-third of the total aggregate reserve included in this Reclamation Plan and will continue for approximately 12 - 18 years depending on the demand for aggregate resources. Final slopes will be graded to a maximum 2:1 (h:v) slope ratio with undulating surfaces. The lower one-third of final slopes will be graded in concave configuration in order to blend with the floor of the mine. Topsoil will be
from newly disturbed areas of the site and either placed directly on final slope areas or stockpiled for later use.

Material hauling trucks will be filled from the stockpiles of processed materials by front-end loaders and subsequently weighed at on-site scales. Prior to departing the site for product delivery, truck exteriors will be swept to control sand, grit, or gravel that may fly off and become airborne during transport.

Total future material production from the site under the permit granted by the County on October 22, 2013 (operations authorized until the Year 2040) is estimated to be 42 million tons (26,041,667 of the 31,250,000 cubic yards included within the Reclamation Plan limits). However, the Final EIR examined a maximum annual production amount of 1.8 million tons per year for a 6-day per week operation. If this permit is modified in the future to allow a 6-day per week hauling operation, the 1.8 million ton annual production level could be achieved. Excavation would occur over a 135.3-acre area with a maximum slope height of 365 feet. The total CUP/Amended Reclamation Plan area will encompass 231 acres.

The modified permit (CUP 4874-2) authorizes mining operations until December 31, 2040.

Reclamation:

Map, cross sections and diagrams that illustrate all aspects of the required reclamation of the site are included in the Amended Reclamation Plan (RP12-0001). All surface mining activities and reclamation of the site shall be in conformance with the RP12-0001 Amended Reclamation Plan.

Reclamation activities will occur on an ongoing basis throughout the project life as planned mining excavations are completed. The reclamation plan maps and cross sections depict the volume of material to be excavated and the proposed finished slope contours after each phase of the mining operations are completed. The site will be reclaimed to a configuration that includes a nearly level floor surrounded by maximum 2:1 gradient slopes. Runoff from the slopes will drain across the floor to be discharged at the low point (approximately 1,000-foot elevation) where an existing drainage course intersects the floor. It is anticipated that the western slope will be reclaimed first, followed by the southerly slope, and then by the easterly slope.

Reclamation phasing will generally follow the proposed extraction phasing. As extraction progresses to lower elevations in each phase, upper slopes will be reclaimed. Reclamation of final slopes will consist of establishing 2:1 (h:v) slope configurations and revegetation. The processing plant area will be one of the last areas to be mined and reclaimed.
The processing plant is currently (2013) located on the western portion of the site and will remain in place until the remaining reserves are located beneath the plant site (during Phase 3). It is anticipated that reclamation will be divided into a minimum of four areas over the course of the project.

Reclamation will commence with the easterly-facing slope on the western portion of the site, within the Phase 1 area. It is expected that this area will be reclaimed near the end of Phase 1 mining operations. Next, the slopes within the southwestern and southern portions of Phase 1 will be reclaimed. It is anticipated that this area will be reclaimed at the beginning of Phase 2 mining operations. The third area to be reclaimed will be the southeastern and eastern portions of the pit slopes. It is anticipated that these areas will be reclaimed sometime during Phase 2 and Phase 3.

The fourth area to be reclaimed will be the lower slopes of all three phase areas (from an elevation of 1,130 feet AMSL down to 1,000 feet AMSL). These slopes will be reclaimed at the completion of mining operations and once the ultimate pit depth has been reached during Phase 3. Final reclamation will include removal of the processing plant and all mining equipment, followed by revegetation of any remaining disturbance areas that are not necessary for post-extraction uses (e.g. access roads). All compacted areas will be ripped to achieve a consistency and permeability similar to that of the original soils.

When final slopes are established in individual areas, the land surface will be reclaimed. This will include revegetation of the areas outlined in the revegetation plan. The lower one-third of final slopes will be graded in a concave configuration in order to blend with the floor of the mine. Any roads that are not necessary for the proposed open space end use will be removed and revegetated in accordance with the revegetation plan.

Upon reaching the final contours of the finished mined slopes, the operator will disturbed areas with native plant species consistent with the surroundings and the vegetation that existed prior to disturbance from mining. Finished slopes will be revegetated with a native revegetation seed mix approved by the County of Ventura and the State Office of Mine Reclamation (OMR). The objective is to restore the mining site with native vegetation that is similar in species composition and density to the pre-vegetation. The revegetated surfaces will be compatible with native flora, self-perpetuating, provide habitat value to wildlife, and stabilize the onsite soils. Using a native seed mix (as specified in the proposed Amended Reclamation Plan), the finished slopes will be revegetated in the fall of the year each mined area is completed. This timing is intended to take advantage of seasonal rainfall to start plant growth. A Coastal Sagebrush mix will be used to seed the side slopes, while a Grass Woodland mix will be used for the flat areas. No irrigation will be used to germinate and establish plants as selected species are adapted to the climate and rainfall conditions at the project site. finished slopes will be overlain with topsoil that is salvaged from new disturbance areas. However, no topsoil has been salvaged from the existing disturbance areas. In any
topsoil and suitable growth media, including fine material that is used to augment the topsoil, will be redistributed over the disturbance areas at a minimum thickness of 3 inches.

Upon completion of all surface mining activities and the commencement of final reclamation, the operator will remove most of its plant facilities and all equipment from the site in accordance with Section 8107-9.6.10 of the Ventura County Non-Coastal Zoning Ordinance. Some infrastructure improvements (including the access road and water supply pond) would remain on-site to support the future end use. All unused foundations, pavement, and the plant will be removed. The shop and office buildings will be converted to storage use and would remain to support maintenance of the property and future by-right uses of the land. The compacted areas will be ripped and reworked to a consistency and permeability similar to that of the original soils, and remaining unvegetated areas will be re-graded to conform with the local topography and revegetated.

The Grimes Rock site was abandoned in 1967 by a previous operator. Several "highwalls," or near vertical banks, were left on the site at that time. The proposed mining project would create flatter slopes throughout the proposed project area. The "highwalls" would be eliminated with the proposed project. Any previously disturbed areas that are disturbed again by the proposed project must be reclaimed pursuant to SMARA and County requirements. Material obtained from reclamation of the "highwalls" will be sold as product.

The site will be reclaimed to an end use of open space.

**RMA PLANNING DIVISION**

2. Compliance with Mining and Reclamation Standards

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

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

   a. Reclamation of the site shall be completed in accordance with the approved Reclamation Plan.
b. All surface mining operations shall be conducted in conformance with
the phasing and other requirements of the approved Reclamation Plan.

c. Removal of equipment and facilities shall be accomplished in
accordance with the amended Reclamation Plan and Section 8107-9.6.10
of the NCZO.

d. The Permittee shall maintain liability insurance for the effective period of
this permit in conformance with the requirements of Section 8107-9.6.21
of the NCZO.

e. No excavation of the site shall occur below the final reclaimed surface
or outside of the mapped limits of excavation specified in the approved
Reclamation Plan for the Grimes Rock facility.

f. A Financial Assurance for reclamation shall be posted by the Permittee
(mine operator) with the County of Ventura and California Department of
Conservation in accordance with Section 8107-9.6.20 of the NCZO and
Section 2773.1 of SMARA.

g. The Permittee shall provide access to the site to County personnel
upon receiving reasonable notice of an upcoming inspection. The mining
facility shall be inspected at least once per year in order to monitor
compliance with the conditions of approval of this permit, the approved
Reclamation Plan, SMARA and the County Non-Coastal Zoning
Ordinance. The number of inspections conducted in addition to the
statutory minimum shall be determined by the Planning Director.
("Reasonable notice" shall mean notification at least 10 days in advance.)

Documentation: The Permittee shall annually provide evidence to the County
Planning Division for review and approval that liability insurance consistent with
ordinance standards has been obtained. The Permittee shall also annually
provide a Financial Assurance Cost Estimate (FACE) and post a Financial
Assurance Mechanism (FAM) that meets SMARA standards as determined by
the Planning Director. Surface mining inspection reports prepared by County staff
will document the physical condition of the mining site and its conformance with
the approved Reclamation Plan and the conditions of approval of this conditional
use permit. The Annual Compliance Report prepared by the Permittee under
Condition No. 3 will also document the condition of the site.

Timing: The Permittee shall submit and obtain approval of the evidence of
liability insurance no later than 60 days after the annual inspection of the site is
conducted by the County. The FACE and FAM shall be submitted 90 days after
the annual inspection of the site by the County.
Monitoring: The Planning Division will monitor compliance with this condition through the annual site inspections required by SMARA, additional inspections determined necessary by the Planning Director, and through enforcement actions authorized by §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

3. Annual Compliance Report

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

4. Days and Hours of Operation

Purpose: In order to assure consistency with the project description included in Condition No. 1, it is necessary to limit the days and hours of operation of the approved use.

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

a. Onsite mining operations shall be allowed to occur 24 hours per day from Monday through Saturday.

b. Material hauling shall be allowed to occur from 6:00 am until dusk (but no later than 7:00pm) from Monday through Friday. (For purposes of this limitation, the term “dusk” refers to 30 minutes after the time for “sunset” as published in a local newspaper of general circulation.)

c. The Permittee shall post the hours of operation in an obvious location that can be seen by all customers, employees, vendors, and haul truck drivers. The signage must be made of weatherproof and permanent material, and conform with the standards set forth in Article 10 of the Ventura County Non-Coastal Zoning Ordinance.
Documentation: The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

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

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

5. Site Maintenance

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

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

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

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

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

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

a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,

b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §15000-15387), as amended from time to time.

7. **Acceptance of Conditions and Schedule of Enforcement Responses**

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

a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;

b. Suspension of the permitted land uses (Condition No. 1);

c. Modification of the CUP conditions listed herein;

d. Recordation of a “Notice of Noncompliance” on title to the subject property;

e. The imposition of civil administrative penalties; and/or

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

8. **Time Limits**

   a. Use inauguration:

   1. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses provided in Condition No. 1 (Project Description). Prior to the initiation of mining excavation in each subsequent project phase (i.e. Phases 2 and 3) as delineated in the Reclamation Plan, the Permittee shall obtain a Zoning Clearance. In order to obtain the Zoning Clearance, the Permittee must demonstrate that the mining facility is in compliance with all applicable permit and Reclamation Plan provisions, including the initiation of reclamation of the area included in the previous mining phase.

   2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the granting or approval of this CUP. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

   3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

   b. Permit Life or Operations Period:

   This CUP will expire on **December 31, 2040**. The lack of additional notification of the expiration date provided by the County to the Permittee
shall not constitute grounds to continue the uses that are authorized by CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to December 31, 2040; and

2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

(Note: Reclamation activities in accordance with the Amended Reclamation Plan approved on October 22, 2013 would continue for up to 5 years after the cessation of mineral extraction.)

9. Consolidation of All Approved Exhibits and Permits

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

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

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

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

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the permit is modified or changes are made by any other respective agency, the Permittee shall submit any revised documentation within 30 days of the modification.
10. **Notice of CUP Requirements and Retention of CUP Conditions On-Site**

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

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

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

**Timing:** A copy of the CUP conditions of approval shall be available on the project site prior to issuance of a Zoning Clearance for use inauguration and shall be maintained on the site during the effective term of this permit.

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

11. **Recorded Notice of Land Use Entitlement**

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

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

**Documentation:** The Permittee shall provide a copy for the recorded Notice of Land Use Entitlement to the County Planning Division.

**Timing:** The recorded Notice of Land Use Entitlement shall be submitted to the County Planning Division prior to the issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The County Planning Division shall receive the recorded Notice and incorporate it into the CUP file for the project.
12. Condition Compliance, Enforcement, and Other Responsibilities

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

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

2. monitoring and enforcement costs required by the Ventura County Non-Coastal Zoning Ordinance (§8114-3). The Permittee, or the Permittee’s successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8114-3.4).

b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee’s successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:

1. a payment of $500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition No. 12.a, above), monitoring and enforcement (Condition No. 12.c, below). The $500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,

2. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee’s right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
c. Monitoring and Enforcement Costs: The $500.00 deposit and reimbursement agreement (Condition No. 12.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the Ventura County Non-Coastal Zoning Ordinance that may occur.

d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

13. Defense and Indemnity

As a condition of CUP issuance and use including adjustment, modification, or renewal thereof, the Permittee agrees to:

a. Defend, at the Permittee’s sole expense, any action brought against the County by a third party challenging either the County’s decision to issue this CUP, or the manner in which the County is interpreting or enforcing the conditions of this CUP; and

b. Indemnify the County against any settlements, awards, or judgments, including attorney’s fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney’s fees which the County may be required by a court to pay as a result of any such legal action the Permittee defended or controlled the defense thereof pursuant to Condition No. 13(a) above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittee of the Permittee’s obligations under this condition.

Neither the issuance of this CUP, nor compliance with the conditions thereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.
Except to the extent of the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.

14. Invalidation of Condition(s)

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

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

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

15. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.
Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

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

16. Relationship of CUP Conditions, Laws and Other Permits

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

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

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

17. Contact Person

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

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

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

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

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

18. **Resolution of Complaints**

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

a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 17 in a visible location on the site. The Contact Person shall be available via telephone during all operating hours of the facility. Persons with concerns about an activity as it is occurring may directly contact the Contact Person;

b. If a written complaint about this project is received by the County, Planning staff will contact the Permittee’s Contact Person or the Permittee to request information regarding the alleged violation; and,

c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to §8114-3 of the Non-Coastal Zoning Ordinance may be initiated.
19. Reporting of Major Incidents

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

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

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

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

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

20. Change of Owner and/or Permittee

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

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

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

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

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

21. **Sign Plan**

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

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

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

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

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

22. **Limit on peak-hour truck trips (T 1-1)**

**Intent:** In order to avoid increased peak-hour traffic congestion on State Route 23, heavy truck traffic shall be limited.

**Requirement:** The number of material hauling truck trips generated by the facility shall be limited in accordance with Condition No. 1. Peak hour trips for hauling trucks arriving to or departing from the facility entrances shall be to 300 per day, which shall include no more than 64 PHTs arriving to or departing
from the southern entrance of the facility. The Permittee shall maintain a record
track arrivals and departures.

**Documentation:** The Permittee shall make the record of track arrivals to and
departures from the facility entrances available to the County of Ventura and
other government agencies upon request. The record shall be maintained in
paper and electronic form. Along with the record of track trips arriving to or
departing from the facility entrances, the trip generation shall be summarized
monthly in an Excel table format consisting of AM and PM Peak-Hour Trips and
Total Average Daily Trips.

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

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

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

23. **Internal Access Road (T 1-1A)**

**Intent:** In order to minimize congestion impacts on the Grimes Grade section
of SR 23, an existing paved road shall be used as an alternate access to the
mining site.

**Requirement:** To the extent feasible, project-related hauling trucks shall avoid
the use of SR-23 between SR-23 Mile Post 18.50 and 21.00. Trucks shall
avoid travelling between these Mile Posts by using an existing paved road for
internal hauling and access to SR 23 at a point south of the mining site. The
general alignment of this existing paved road is shown in Appendix G of the
FEIR. This internal access road shall have the following characteristics:

a. The southern intersection with SR-23 shall be improved by the
applicant to Caltrans standards as directed by the Ventura County
PWA. Ventura County PWA shall also approve the improvement
schedule.

b. All of the access road, as well as 10 feet on either side of the road
shall be included within the CUP boundaries and shall be subject to
all CUP conditions of approval.
Documentation: The Permittee shall provide engineered plans for the connection with State Route 23 to CALTRANS for review and approval.

Timing: The required plans for the connection with State Route 23 shall be approved CALTRANS, and the road constructed in accordance with such approved plans, prior to the issuance of the Zoning Clearance for Use Inauguration under the requested modified CUP and Amended Reclamation Plan.

Monitoring: CALTRANS staff shall review the plans for the connection to SR 23. In addition to the mandated annual inspection of the site under the Surface Mining and Reclamation Act, the County retains the authority to conduct special inspections to ensure that the internal access road is used and maintained.

24. Overnight parking of heavy trucks (T 1-1B)

Intent: In order to protect surface and groundwater quality, overnight onsite parking of heavy trucks shall be limited.

Requirement: A maximum of 20 heavy trucks and trailers may be parked overnight on the project site at any one time. This parking is allowed provided that:

a. The trucks are parked for one night only and depart the site by 8:00 AM the following workday morning. The personal vehicles of truck drivers may be parked on the project site during the day.

b. It is limited to commercial aggregate hauling trucks.

c. No maintenance, repair, or fueling of the trucks or the personal vehicles of the truck drivers occurs on the project site.

d. All operations and activities related to overnight parking conforms to the "hours of operation" listed in Condition No. 1 (Project Description).

Documentation: The Permittee shall provide a Parking Plan to the County Planning Division. This Plan shall describe the location and configuration, surfacing, drainage facilities, and operational characteristics of the proposed parking facilities.

Timing: Prior to the initiation of overnight parking on the project site under this CUP, the Parking Plan shall be approved by the Planning Director in consultation with the Watershed Protection District.

Monitoring: The Planning Director, in consultation with the Watershed District, shall review the submitted Parking Plan for adequacy to avoid water quality impacts. If the Parking Plan is approved by the Planning Director, the
Permittee's implementation of the approved Plan shall be subject to periodic site inspections conducted by County staff.

25. Limit on peak-hour truck trips at the SR118/SR34 intersection (T 1-4)

**Intent:** In order to avoid increased peak-hour traffic congestion at the SR118/SR34 intersection, heavy truck traffic shall be limited.

**Requirement:** Heavy truck traffic associated with project operations shall be limited to 64 PHTs arriving to or departing from the southern facility entrance during any single day within the morning peak traffic congestion period (6:00 to 8:00am) and the afternoon peak traffic congestion period (3:00 to 6:00 pm) at the SR118/SR34 intersection. The Permittee shall maintain a record of truck arrivals to and departures from the southern entrance of the facility. The Permittee shall inform truck drivers in writing that southbound deliveries should be transported to the extent feasible on the SR23 freeway south of Moorpark.

**Documentation:** The Permittee shall make the record of truck arrivals to and departures from the facility entrances available to the County of Ventura and other government agencies upon request. The record shall be maintained in paper and electronic form. Along with the record of truck trips, the trip generation shall be summarized monthly in an Excel table format consisting of AM and PM Peak-Hour Trips and Total Average Daily Trips. The Permittee shall provide a copy of the notification letter to the County and maintain the letter posted in the facility office.

**Timing:** The requirement to maintain a record of truck arrivals and departures is an ongoing operational requirement of this CUP and is in effect upon issuance of a Zoning Clearance for Use Inauguration. A copy of the notification letter shall be provided to the County prior to the issuance of the Zoning Clearance for Use Inauguration under the modified CUP and amended Reclamation Plan.

**Monitoring:** County staff shall review the notification letter for adequacy and may periodically check the arrival and departure record for the Permittee's compliance with these limits.

26. Facility entrance improvements (T 2-1)

**Intent:** In order to reduce safety hazards and traffic congestion, the entrances to the mining facility shall be improved.

**Requirement:** The Permittee shall fund and construct the following improvements at the entrances to the facility:
a. A dedicated left turn lane that includes a minimum of 150 feet of vehicle storage.
b. A right turn deceleration lane that provides a minimum of 150 feet for deceleration and a 90-foot transition.
c. A right-turn acceleration lane that provides a minimum of 150 feet for acceleration and a 90-foot transition.

The final design of the improvements shall be in conformance with the standards of the California Department of Transportation (Caltrans).

**Documentation:** The Permittee shall submit a complete permit application to Caltrans for the construction of the required improvements.

**Timing:** The permit application shall be submitted to Caltrans prior to the issuance of the Zoning Clearance for Use Inauguration under this permit. The improvements shall be constructed within one year of the grant of a permit by Caltrans.

**Monitoring:** Caltrans staff, in coordination with Ventura County Public Works Agency, shall review and approve the submitted permit application. County staff shall conduct periodic site inspections to monitor the Permittee’s implementation of the required construction.

*Note: The provisions of Requirement a. above shall not be in effect for the northern entrance to the mining facility if (1) the development of the proposed southern facility entrance is approved and accomplished in accordance with Condition No. 23 or (2) it is demonstrated to the satisfaction of the County Planning Director and CALTRANS that such improvement is not feasible or needed.*

27. **Traffic Impact Mitigation Fees (T 3-1)**

**Intent:** In order to offset the project’s contribution to cumulative increases in traffic volume, the Permittee shall pay traffic mitigation fees.

**Requirement:** The Permittee shall pay the following required Traffic Impact Mitigation Fees (TIMF) pursuant to the terms and conditions of the Traffic Impact Mitigation Fees for Maintenance and Improvement of Regional Road Network and City Streets, County Ordinance No. 4071 (1994) for each average daily vehicle trip (ADT) above the previously permitted level that is authorized by this modified CUP:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Current Fee(s) per New ADT</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. County of Ventura</td>
<td>$11.23</td>
</tr>
<tr>
<td>b. City of Fillmore</td>
<td>$63.83</td>
</tr>
</tbody>
</table>
c. City of Moorpark $15.49

These fees apply only to an approved increase in heavy truck ADTs above the previously permitted volume and an increase in on-site employees over the number of existing number of employees (22 employees). ADTs for employees are calculated as 1.5 ADT per new employee. The actual fees to be paid shall be based on the TIMF fees, service areas, and procedures for each jurisdiction in effect at the time increased ADTs are authorized. The TIMF fee may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

Documentation: The Permittee shall provide the County Planning Division with letters from the County Public Works Agency, the City of Fillmore and the City of Moorpark that document that the required TIMF has been paid.

Timing: Prior to the issuance of the Zoning Clearance to allow increased average daily trips by material hauling heavy trucks, the required fees shall be paid.

Monitoring: County Planning Division staff shall review the documentation submitted by the Permittee to determine if Permittee has made full payment of the respective TIMFs.

28. Limitations on Haul Route

Intent: In order to minimize truck traffic on Walnut Canyon Road and SR 23 through the City of Moorpark, the use of Grimes Canyon Road for south-directed trucks shall be encouraged.

Requirement: The mine operator shall inform the driver of each southbound material hauling truck that Grimes Canyon Road South is the preferred route for all trucks heading to State Highway 118. Walnut Canyon Road and SR 23 through the City of Moorpark should not be used unless making a delivery to a local purchaser such as the permitted concrete and asphalt manufacturing facilities located within the City of Moorpark. The mine operator shall provide to each driver of a southbound truck a “Notice of Southern Haul Route” that provides the above information.

Documentation: The mine operator shall submit a draft Notice of Southern Haul Route to the County Planning Division for review and approval.

Timing: The operator shall obtain approval of the Notice prior to issuance of the Zoning Clearance for Use Inauguration.
**Monitoring:** County staff shall review and approve the submitted Notice. County staff shall ensure implementation of this condition as part of the required periodic inspections of the site.

29. **Enhanced dust control plan (AQ 1-1)**

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

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

a. Stabilization of previously disturbed areas that are currently inactive or have reached the final reclaimed topography specified in the approved Reclamation Plan through periodic application of environmentally-safe dust control agents or hydroseeding. This action is required until permanent vegetation is established in accordance with the approved Reclamation Plan. Inactive areas are those mined lands that have not been disturbed for more than 180 days.

b. Periodic application of water or environmentally-safe dust control agents to 1) onsite unpaved roadways, staging areas, and vehicle parking areas to minimize fugitive dust generated by vehicle travel, and 2) material stockpiles to minimize wind-generated dust.

c. Enforcement of a 15 MPH vehicle speed limit on unpaved surfaces.

d. Application of water to areas under active excavation operations, including the mine working face.

e. Use of misting equipment on conveyor belts.

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

**Timing:** The EDCP shall be submitted and approved prior to the issuance of the Zoning Clearance to authorize an increase in Average Daily Trips (ADTs) for material hauling trucks.

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

30. Air Pollution Control District rules and regulations (AQ 1-2)

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

- Rule 10 (Permits Required)
- Rule 50 (Opacity)
- Rule 51 (Nuisance)
- Rule 55 (Fugitive Dust) modified as follows: The project shall not allow visible track-out (dirt, mud or product debris) to extend 25 feet or more in length from the access road onto SR 23. If track-out occurs, it shall be removed as soon as possible, but no later than one hour after it is deposited.
- Rule 55.1 (Paved Roads and Public Unpaved Roads)

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

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

31. Hauling of aggregate to minimize spillage (AQ 1-3)

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

Requirement: All aggregate material hauling trucks loaded with aggregate materials must comply with all applicable requirements of California Vehicle Code Section 23114, especially regarding the transport of aggregate materials. The Permittee shall prominently install signage on the subject property to inform all aggregate material hauling truck drivers of the legal requirements set forth in Vehicle Code section 23114 at the scales, entrance and exit of the facility.
Documentation: The Permittee shall provide to the County Planning Division with photographs demonstrating that the required signs have been properly installed.

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

Monitoring: County Planning Division staff shall review the submitted photographs to assure proper installation of required signage. The maintenance of the required signage shall be monitored by County staff during site inspections and through response to complaints. (Note: The Permittee is not responsible for violations of the Vehicle Code committed by independent aggregate material hauling truck drivers.)

32. Ozone Precursor/Carbon Dioxide Reduction (AQ 2-1)

Intent: In order to offset the generation of ozone precursor air pollutants over the extended life of the mining operation, the Permittee shall participate in an air pollution reduction program.

Requirement: The Permittee, the Planning Division, and VCAPCD shall execute a legally enforceable agreement, whereby the Permittee shall implement one of the following two actions to reduce ozone precursor emissions related to the subject project:

a. Make on-site or other expenditures as approved by the Planning Division and the VCAPCD to reduce ozone precursor emissions from permitted and proposed mining operations to below the applicable VCAPCD air quality significance thresholds pursuant to CEQA. Expenditures made by the Permittee subsequent to November 13, 2003 (i.e. the date of publication of the Notice of Preparation for the project EIR) that are determined by the VCAPCD to meet eligibility criteria under the Carl Moyer program and all other applicable provisions of this condition shall be counted toward compliance with this condition of approval.

b. Pay an in-lieu fee in an amount not to exceed $210,455 to the VCAPCD the purpose of funding air pollutant emission reduction programs in County. Terms and conditions of such payment shall be determined by VCAPCD in consultation with the Permittee. This fee shall be based the cost-effectiveness of projects funded by the VCAPCD’s Carl Moyer Memorial Air Quality Standards Attainment Program (Health & Safety § 44275 et seq.). The funds shall be used by the VCAPCD to fund air pollutant emission reduction projects in Ventura County. Based on
VCAPCD formulas, the total cost to be paid by the Permittee to reduce the project-related air quality impacts shall be $1,315 per average daily trip (ADT) authorized under this permit or a total payment of $210,455.

**Documentation:** The Permittee, the County Planning Division, and the VCAPCD shall sign and execute a legally binding agreement to implement the above requirements, whichever of the two options is selected by Permittee.

The agreement shall, at a minimum, include the following features:

a. The payment of fees, calculated based on the amount of project operational emissions from mobile sources in excess of standards (i.e., after mitigation the net project-related emissions are not to exceed 25 pounds per day for either NOx or ROC), into a fund administered by the VCAPCD. Said fees must be determined based on the cost-effectiveness of projects funded by the VCAPCD's Carl Moyer Memorial Air Quality Standards Attainment Program.

b. Payment of the assessed fees over a time period mutually agreeable to all parties.

c. The Planning Division and VCAPCD shall be entitled to recover all costs of developing the agreement and, in the case of VCAPCD, the cost of administering the expenditure of the funds so collected. This cost is in addition to the off-set fees listed in Item b., above.

d. The VCAPCD shall use the fees to fund emission reduction projects in Ventura County. The projects the VCAPCD could fund include, but are not limited to, project types eligible for funding under the VCAPCD's emission reduction incentive programs, such as the:

   (1) Carl Moyer Memorial Air Quality Standards Attainment Program;
   (2) Clean Air Fund; and
   (3) Lower Emissions School Bus Program.

**Timing:** Prior to the issuance of the Zoning Clearance for Use Inauguration under this CUP, the Permittee shall file a copy of the signed, executed agreement with the Planning Division and VCAPCD. The Permittee shall make payments of any in-lieu fees or air pollution reduction expenditures in accordance with the payment schedule of the agreement. VCAPCD staff shall provide the Planning Division with annual reports, as discussed in Monitoring, below.

**Monitoring:** Planning Division and VCAPCD staff shall review the agreement to ensure that it complies with the requirements of this condition (above). The
VCAPCD shall ensure that the Permittee makes all payments in accordance with the payment schedule of the agreement. The VCAPCD shall provide the Division with annual reports to inform the Planning Division of compliance with agreement. The Planning Division shall review the annual reports consistent with the requirements of §8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

33. **Groundwater Recharge (WR 1-1)**

Any fine-grained material remaining on the site at the time of final reclamation shall be used in revegetation activities or otherwise disposed of in a manner determined to not substantially affect groundwater recharge as determined by the Planning Director in consultation with the Watershed Protection District-Groundwater Section.

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

34. **Groundwater Supply (WR 2-1)**

Irrigation of reclaimed areas shall be limited only to establishing vegetation consistent with the approved reclamation plan and any biological resource mitigation measures adopted as conditions of approval. Irrigation shall cease once the vegetation is established to the satisfaction of the Planning Director.

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

35. **Design of maintenance areas (WR 4-1)**

**Intent:** In order to protect groundwater quality, all maintenance areas shall be designed to avoid seepage of pollutants into the ground.

**Requirement:** All fuel storage, refueling, washout and equipment maintenance areas shall be placed on berm'd concrete surfaces, which are underlain by 80 high-density polyethylene (HDPE). The HDPE seams shall be sealed and the edges turned up. If the berm'd concrete surfaces drain to a sump, the sump be cleaned and the waste fluids disposed of in compliance with all applicable and regulations. If the berm'd concrete surfaces do not drain to a sump, routine cleaning shall be conducted to prevent the surface from becoming slippery. The cleaning solutions and wash water shall be handled in the same manner as the
sump fluids. Areas designated for washing functions shall be at least 100 feet any riparian storm drain, water body or sensitive biological resources.

**Documentation:** The Permittee shall submit a Maintenance Area Plan to the County Planning Division that describes the location and design of all onsite maintenance areas.

**Timing:** Prior to the issuance of the Zoning Clearance for Use Inauguration under this CUP.

**Monitoring:** Compliance with this condition of approval will be verified by County staff as part of required periodic site inspections.

36. **General industrial stormwater permit (WR 4-2)**

**Intent:** In order to prevent water pollution, the Permittee shall comply with stormwater regulations.

**Requirement:** The Permittee shall maintain the mining facility in compliance with all water quality provisions set forth in NPDES General Permit No. CAS0000001 and State Water Resources Control Board Water Quality Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Industrial Activities*, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

The SWPPP shall address all issues required by regulation including the following:

- Storage and containment of fuels, solvents, and any other fluids that may contaminate soils;
- Fueling operations and maintenance and repair of vehicles and equipment;
- Procedures and employee training to respond to accidental spills;
- Prevention of downstream sedimentation due to mining operations

**Documentation:** The Permittee shall provide to the Public Works Agency – Watershed Protection District proof of coverage (compliance) in the form of a current Notice of Intent (NOI) and a copy of the required annual report that includes all water quality monitoring data.
Timing: The required documentation shall be provided by July 1\textsuperscript{st} of each year.

Monitoring: Watershed Protection District staff shall review the submitted reports to determine if the Permittee is in compliance with regulations. County Planning Division staff may review required reports as part of ongoing checks of compliance with this CUP.

37. Restrictions on future animal keeping (WR 4-3)

Intent: In order to minimize the potential for future degradation of groundwater quality, the keeping of animals shall be restricted.

Requirement: All animals used for food, fiber or recreation shall be banned in perpetuity on the disturbed or reclaimed surface outcrop of the Fox Canyon aquifers as determined by Ventura County. Said ban shall also extend for 200 feet around such areas. This Mitigation Measure is designed: (1) to ensure that recharge on the aquifer outcrop does not become mechanically reduced by compaction from the weight of the animals or entrapment of feces; and, (2) to remove nitrogen loading of water percolating into the aquifer from animal feces and/or urine. A shorter setback distance or the removal of the animal prohibition may be approved if demonstrated to the County’s satisfaction by adequate analysis and report that there is no potential for substantial water quality degradation due to a proposed animal operation.

Documentation: The Permittee shall record a Restrictive Covenant using a form prepared and provided by the County on the property to prohibit future animal keeping on the aquifer outcrop.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration under the modified CUP and amended Reclamation Plan, the Permittee shall provide a copy of the recorded Restrictive Covenant to the County Planning Division.

Monitoring: County Planning Division staff shall place the recorded Restrictive Covenant in the project file. County Watershed Protection District staff shall review any request for modified setbacks or animal operations.

38. Flood control facilities (WR 5-1)

Intent: In order to assure that onsite drainage is conveyed in a non-erosive manner and does not contribute to offsite flooding, a detention basin shall be constructed in accordance with established standards.
**Requirement:** The Permittee shall cause a drainage facility design report and associated plans to be prepared by a Civil Engineer licensed to practice in the State of California. The plans must clearly provide design details (length, width, height, depth of water, outlet works, etc.) on a detention basin that are sufficient for construction. The drainage report must conform to the District’s hydrology and hydraulics (design) manuals. At a minimum, the Permittee is required to detain all peak flows over the pre-developed Q10 level.

The Permittee shall construct the improvements described in the design report ultimately approved.

**Documentation:** The Permittee shall submit the required design report and plans to the Watershed Protection District for review and approval. After construction of the drainage improvements, the Permittee shall provide as-built plans to the Watershed Protection District.

**Timing:** The design report and associated plans shall be submitted to, and approved by, the Watershed Protection District prior to the issuance of the Zoning Clearance for Use Inauguration under the modified CUP and amended Reclamation Plan. The required improvements shall be constructed within six months of plan approval.

**Monitoring:** Staff of the Watershed Protection District shall review the submitted documentation for compliance with regulatory requirements. County Planning Division staff may review the required reports as part of ongoing checks of compliance with this CUP.

### 39. Slope design requirements (WR 5-2)

1. Reclamation slopes shall be shown by the project geotechnical engineer and geologist to be grossly stable under both static and pseudo-static conditions. The slopes must also be shown to be surficially stable using results obtained from low normal weight shear tests.

2. For slopes that have a slope ratio equal to or greater than 3:1 (h:v) the minimum setback shall be 20 feet regardless of the height. The lower one-third of the slope shall be concave to blend with the floor of the mine.

3. For slopes that have a slope ratio between 3:1 and 2:1 (h:v) the minimum setback shall be 30 feet up to a height of 100 feet, and an additional 30 feet for each 100 feet of height. The lower one-third of the slope shall be concave to blend with the floor of the mine.
4. For slopes steeper than a 2:1 ratio, the minimum setback shall be 20 feet up to a height of 50 feet, 50 feet up to a height of 100 feet, and an additional 50 feet for each 100 feet in height unless demonstrated that the slope surface is not subject to erosion and the surface can be successfully revegetated (SMARA Section 3704-d). In these cases, the setback shall be provided by the project geotechnical engineer and geologist. The lower one-third of the slope shall be concave to blend with the floor of the mine.

5. Drainage terraces or benches are not required for slope gradients that mimic the adjacent natural slopes. For slopes that exceed the natural slope gradients, drainage benches and terraces shall not be perpendicular to the slope face and shall provide for drainage diagonally across the slope face at gradients to minimize erosion and shall be designed by the project civil engineer.

(Note: Implementation of the proposed Amended Reclamation Plan (RP12-0001) satisfies this mitigation measure as the design measures listed above have been incorporated therein.)

40. Mitigation of impacts on sensitive plant communities (BR 1-1)

**Intent:** In order to mitigate for the loss of sensitive plant communities and habitat for special-status species due to mining activities, the Permittee shall permanently protect existing unprotected habitats that would not be affected by mining activities.

**Requirement:** The Permittee shall permanently protect currently unprotected habitats through direct acquisition and dedication (i.e., donation or permanent encumbrance with a conservation easement) of land to a conservation organization or through adequate funding of such land acquisition by a conservation organization to accomplish this objective. The dedication of land shall include an endowment to fund maintenance of the dedicated land. The maintenance endowment fund shall be sufficient to generate $6,000 annually, based on a 3 percent interest rate. (A lesser annual maintenance fund amount may be accepted if deemed adequate by the Planning Director and the conservation organization that will receive the donation or hold the easement.) A one-time start-up fee of $3,000 shall also be required. If non-contiguous properties are donated, the endowment fund shall be increased to an amount sufficient to generate:

- an additional $500 annually if the properties are less than ten road miles apart
- an additional $1,000 annually if they are between 10 to 20 road miles apart, and
- an additional $1,500 annually if they are over 20 road miles apart.
The acreage of various habitat types that must be protected to mitigate for project impacts is indicated in the table below. The selected mitigation land must have equivalent or greater overall habitat value than the land being affected by surface mining activities. Priority shall be given to mitigation lands located on or adjacent to the project site, including those located on Oak Ridge. The land selected to meet this requirement must contain a population of wedge-leaf horkelia (*Horkelia cuneata ssp. puberula*), in accordance with Mitigation Measure BR 1-2 below.

<table>
<thead>
<tr>
<th>Habitat Type</th>
<th>Overall Mitigation Ratio</th>
<th>Credit for Reclamation</th>
<th>Off-Site Mitigation Ratio</th>
<th>Impact (Acres)</th>
<th>Area</th>
<th>Off-site Mitigation Area (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venturan Coastal Sage Scrub</td>
<td>2:1</td>
<td>1:1</td>
<td>1:1</td>
<td>56.27</td>
<td></td>
<td>56.27</td>
</tr>
<tr>
<td>Sparsely Vegetated Steep Slopes (i.e.,</td>
<td>0.5:1</td>
<td>None</td>
<td>0.5:1</td>
<td>9.13</td>
<td></td>
<td>4.57</td>
</tr>
<tr>
<td>sparse coastal sage scrub)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grassland</td>
<td>1:1</td>
<td>1:1</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Oak Woodland</td>
<td>2:1</td>
<td>None</td>
<td>2:1</td>
<td>2.14</td>
<td></td>
<td>4.28</td>
</tr>
<tr>
<td>Walnut Woodland</td>
<td>2:1</td>
<td>None</td>
<td>2:1</td>
<td>4.78</td>
<td></td>
<td>9.56</td>
</tr>
<tr>
<td>Southern Riparian Scrub</td>
<td>2:1</td>
<td>None</td>
<td>2:1</td>
<td>1.4</td>
<td></td>
<td>2.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>73.72</strong></td>
<td></td>
<td><strong>77.48</strong></td>
</tr>
</tbody>
</table>

An alternate method of meeting the above requirements may be proposed by the Permittee. This alternate method of meeting the requirements of this condition of approval, and its corresponding mitigation measure, must be equivalent to or more effective than the measures outlined in this condition of approval in meeting the goal of permanent protection of habitat in order for it to be accepted by the County. “Equivalent to or more effective than” means that the alternate method will avoid or reduce the significant environmental effect addressed by this condition of approval to at least the same degree as, or to a greater degree than, the requirements stated above and will create no more adverse effect of its own than would the above permit condition requirements. The Planning Director, in consultation with the California Department of Fish and Wildlife, shall determine if an alternate method is “equivalent to or more effective than” the above permit condition requirements.

**Documentation:** The Permittee shall submit to the Planning Division a plan for acquisition and protection of habitats. The plan shall include the following elements:
The location, acreage, and habitat types for all land proposed to be permanently protected;
Provisions for long-term maintenance of the protected land;
The identity of the party responsible for acquisition, protection, and long-term maintenance required by the approved plan;
The proposed endowment fund amount consistent with the above listed requirements; and
A schedule for acquisition of the land.

The Permittee shall record a restrictive covenant in favor of the County of Ventura committing the property to natural resource conservation use in perpetuity. The restrictive covenant must:

1. include a map and legal description of the areas that are subject to the restrictive covenant;
2. include a description of restricted uses within the restricted area, equivalent to those listed in the standard Restrictive Covenant template provided by the County Planning Division; and,
3. be recorded with the Ventura County Recorder so that it appears on the subject property’s title. The Permittee shall submit a copy of the recorded restrictive covenant to the Planning Division.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration under the modified CUP and amended Reclamation Plan, the Permittee shall:

- Provide the plan for acquisition and protection of habitats to the Planning Division for review and approval.
- Acquire and donate/dedicate land as indicated in the Requirement section above and the approved acquisition plan.
- Establish the required endowment fund.
- Record a restrictive covenant on the dedicated land.
- Provide the Planning Division with a copy of the restrictive covenant.

**Monitoring:** The Planning Director, in consultation with the California Department of Fish and Wildlife, shall review and, if found to be adequate in light of applicable laws and regulations, approve the submitted plan for acquisition and protection of habitats. The Planning Division shall continue to monitor Permittee’s compliance with this measure to determine if the land has been acquired (or encumbered by conservation easement) by the conservation organization as specified in the approved plan for acquisition and protection of habitats, the endowment fund has been established, and that a restrictive covenant has been recorded to permanently protect the land.

*NOTE: For the purposes of this mitigation measure, the “conservation organization” must meet all of the following criteria:*
(a) It must be a public conservation agency, or a private non-profit organization chartered under the US Code, Title 26, Part 501(c)3, whose primary purpose is the preservation and protection of land in its natural, scenic, historical, recreational and/or open space condition.
(b) If it is a private non-profit organization, then it must be either a statewide, national or international organization, or a local community-based organization with a membership of at least 500 individuals and/or businesses.
(c) It must have owned and/or managed natural resource/open space property, at least 50 acres in area, for at least one year. In lieu of meeting this requirement, a Conservation Organization may provide a financial security to ensure the stewardship of the Conservation Parcel for a period of five years.
(d) It must have the institutional and economic ability to maintain the property.
[The above standards are established in Section 8202-3(f)(1)(B) of the Ventura County Subdivision Ordinance.]

41. Protection of Wedge-Leaf Horkelia (BR 1-2)

Intent: In order to mitigate the loss of wedge-leaf horkelia (*Horkelia cuneata* ssp. *puberula*), a rare native plant, either an existing population of wedge-leaf horkelia shall be permanently protected or a population of wedge-leaf horkelia shall be established off-site and permanently protected.

Requirement: The land selected for permanent protection as required by Mitigation Measure BR 1-1 (mitigation land) shall contain a healthy population of wedge-leaf horkelia by implementing one of the following options.

(1) A survey of the mitigation land shall be conducted by a County-approved botanist to identify the presence of wedge-leaf horkelia and assess the status and extent of any populations found. If wedge-leaf horkelia is found on the mitigation land, the Permittee shall demonstrate that the wedge-leaf horkelia population is healthy and self-sustaining by submitting a report prepared by the County-approved botanist to the Planning Division.

(2) If no populations of wedge-leaf horkelia are found on land that is available for acquisition, a population of wedge-leaf horkelia shall be established on the mitigation land. To establish a population, the Permittee shall contract a County-approved horticulturist with demonstrated experience in native plant seed collection and propagation to prepare and implement a Harvesting and Propagation Plan for the wedge-leaf horkelia. The Harvesting and Propagation Plan must describe:

   a. the location of the plants from which the seed will be harvested (e.g., plants within the construction footprint, or as a contingency, plants from another population);
   b. the time of year for harvesting;
   c. the amount of seed to be collected to ensure persistence of existing populations that will not be disturbed by the project;
d. methods of storage and propagation in a nursery;
e. location for rare plant replacement on the mitigation land;
f. methods of establishing plants on the mitigation land;
g. methods for maintenance of the site selected for planting to ensure that the rare plant persists; and
h. the success criteria that will ensure a healthy, self-sustaining population at the end of the monitoring period.

Documentation:

Option 1: The Permittee shall provide to the Planning Division for review and approval a report (Survey Report) prepared by a County-approved botanist that demonstrates that a healthy and self-sustaining population of wedge-leaf horkelia exists on the mitigation land to be permanently protected shall be provided to the Planning Division.

Option 2: The Permittee shall provide to the Planning Division for review and approval a Harvesting and Propagation Plan prepared by a County-approved horticulturist that meets the requirements of this condition. A performance security shall be submitted concurrently to ensure the implementation of the Plan until the success criteria have been met. The Permittee shall provide annual reports prepared by a County-approved qualified biologist on the progress of the established wedge-leaf horkelia population for 5 years (or more if the success criteria have not been met by Year 5). The annual report shall include the results of qualitative monitoring (i.e. photographs taken at permanent photo-points and observations of the health and condition of plantings) and quantitative monitoring (i.e. total count of the plants on randomly placed transects to estimate density.

Timing:

Option 1: Prior to the issuance of a Zoning Clearance for use inauguration under the modified CUP and amended Reclamation Plan, the Survey Report shall be submitted to the Planning Division.

Option 2: Prior to the issuance of a Zoning Clearance for use inauguration under the modified CUP and amended Reclamation Plan, the Harvesting and Propagation Plan (HPP) and the associated performance security shall be submitted to the Planning Division. Implementation of the HPP shall begin prior to the excavation of the area where the existing population of horkelia has been identified (Padre, 2002). The submittal of annual reports shall be initiated in the year after the existing population of horkelia has been removed. The annual reports shall be provided to the Planning Division by December 31 of each year during the monitoring period.
Monitoring and Reporting:

Option 1: The Planning Division shall review the Survey Report for compliance with the requirements of this condition.

Option 2: The Planning Division shall review the Harvesting and Propagation Plan for compliance with the requirements of this condition. The Planning Division shall review the annual reports for compliance with this condition and satisfaction of the success criteria. The release of the performance security and the termination of monitoring will occur when the success criteria have been met after monitoring Year 5.

42. Permit Boundary and Area of Disturbance (BR 1-3)

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

Requirement:

(a) Boundary posts shall be installed at each CUP boundary corner and at no less than 1,000-foot intervals between boundary corners. The posts shall be constructed of four-inch square tubular steel, extend a minimum of four feet above the ground surface, be set in concrete, be numbered, and labeled with "CUP 4874 Boundary."

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

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

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

Documentation: The Permittee shall provide to the County Planning Division a copy of the project site plan that depicts the CUP and disturbance area boundary lines, the property lines, topographic contours, and the surveyed location of each boundary post or stake. In addition, the Permittee shall provide photographs that demonstrate that the required boundary markers have been installed.
Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the required boundary markers shall be installed. The required boundary markers shall be maintained for the effective term (i.e. initial term and any extension) of this CUP.

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

43. Limitation on disturbed area (BR 1-5)

Intent: In order to minimize impacts on wildlife and wildlife habitat and to assure phased reclamation of the mining site, the area of active operations shall be limited.

Requirement: The area of land under active mining operations shall not exceed 60 acres at any one time. For purposes of this condition of approval, "land under active mining operations" refers to land that is not in a pre-mining natural state, not undergoing reclamation or not previously reclaimed in accordance with an approved Reclamation Plan.

Documentation: The Permittee shall provide a written summary of acreage disturbed, undergoing reclamation and reclaimed in conjunction with the annual inspection required by SMARA. In addition, the Permittee shall provide an aerial photograph of the mining facility to the County Planning Division upon request of the Planning Director.

Timing: The Permittee shall provide the required information within 30 days of the annual inspection of the site required by SMARA.

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

44. Obtain Permits from Federal and State Resource Agencies (BR 4-1)

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

Requirement: The Permittee shall notify the following agencies of the impending initiation of surface mining activities pursuant to the modified CUP and Amended Reclamation Plan.
- California Department of Fish and Wildlife (Section 1602 Agreement);
- US Army Corps of Engineers (Section 404 Individual Permit);
Los Angeles Regional Water Quality Control Board (Section 401 Water Quality Certification); and,
US Fish and Wildlife Service (Section 7 Consultation, only if the coastal California Gnatcatcher is determined to be present)

Documentation: The Permittee shall provide written proof or documentation to the County that the Permittee has obtained from each agency either: (1) a letter stating that a permit is not required or, (2) an official permit from an affected governmental agency.

Timing: The Permittee shall provide the written documentation to the County Planning Division prior to the initiation of vegetation clearing and excavation or fill activities within the jurisdictional riparian habitats identified in Figure 4.6-2 of the FEIR.

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

45. Protection of nesting birds (BR 7-1)

Intent: In order to prevent impacts on native bird species protected under the Migratory Bird Treaty Act, land clearing activities shall be regulated.

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

a. Timing of construction: Prohibit land clearing activities during the breeding and nesting season (February 1 – August 31), in which case the following surveys are not required; or

b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (February 1 – August 31) and avoid occupied bird nests. Surveys shall be conducted to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest. All surveys shall be conducted by a County-approved biologist.

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

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

**Timing:** If land clearing activities will occur between February 1 and August 31, nesting bird surveys shall be conducted 30 days prior to initiation of land clearing activities, and weekly thereafter, and the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Survey Report documenting the results of the first nesting bird survey and the signed contract shall be provided to the Planning Division prior to the initiation of land clearing activities. Land clearing activities shall not occur until the Survey Report and contract are found adequate by the County Planning Division. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities on the subject area of land.

**Monitoring:** The Planning Division shall review the Survey Report and signed contract for adequacy in meeting the objectives of this mitigation measure. The Planning Division shall maintain copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

46. **Protection of special-status wildlife (BR 7-2A)**

**Intent:** In order to prevent impacts on special status wildlife during construction, land clearing activities shall be regulated.
Requirement: A County-approved biologist with a CDFW Scientific Collecting Permit shall conduct surveys for special-status wildlife, including coast horned lizard, coastal western whiptail, and silvery legless lizard. The first survey shall be conducted 30 days prior to initiation of demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and surveys must continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of land clearing activities. Individuals of special-status wildlife species that are found shall be relocated to suitable undisturbed habitat, at least 500 feet beyond the mining limits. If the County-approved biologist determines that silt fencing is necessary to prevent special-status wildlife from returning to the construction area, silt fencing shall be installed at the edge of the grading footprint with the oversight of the County-approved biologist.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial special-status wildlife survey and a plan for continued surveys and relocation of special-status wildlife in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and relocation of wildlife. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to prevent loss of special-status wildlife and results.

Timing: Special-status wildlife surveys shall be conducted 30 days prior to initiation of land clearing activities, and weekly thereafter, and the last survey for special-status wildlife shall be conducted no more than 3 days prior to initiation of land clearing activities. The Survey Report documenting the results of the first special-status wildlife survey and the signed contract shall be provided to the Planning Division prior to issuance of a zoning clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

Monitoring: The Planning Division shall review the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

47. Woodrat Nest Avoidance and Relocation (BR 7-2B)

Intent: In order to minimize impacts on woodrats, avoidance measures shall be implemented.
Requirement: Prior to demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), a County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit shall survey suitable habitat for woodrats within the proposed limits of disturbance and a 50-foot radius buffer area. If no nests are found, no further action is required. If active woodrat nests are found during the peak nesting season (February 1 through May 31), a 50-foot radius buffer area shall be established around the nests in which land clearing activities will be postponed until the end of peak nesting season to protect the nest. Outside of the peak nesting season, nests can be relocated according to the following instructions and with a County-approved biological monitor present:

a. Create new habitat on adjacent areas not impacted by the project by providing a vertical structure using local native material such as tree and shrub trimmings stacked horizontally in areas that are under shady canopies and upslope of seasonal drainages. Piling rocks removed from the construction area can also be used to help achieve structure. If multiple nesting material structures are created they should be a minimum of 25 feet apart. It is important that the new nesting material be placed under shady areas or they will not be used. These areas should be in locations that do not presently provide this habitat structure to create new nesting opportunity and to reduce potential competition with existing woodrats.

b. After creating habitat outside of the construction footprint, begin vegetation clearance around the nest structures to reduce woodrat dispersal back into the project area.

c. Nudge the nest with a front end loader type tractor to flush the woodrats from the nest. They will usually abandon the nest and run out into adjacent off site cover.

d. Carefully and slowly pick up the nest material with a front end loader (to allow any additional woodrats to escape) while maintaining a safe distance from the nest to reduce health hazards to the workers (dust masks should be used even when operating equipment).

e. Move the nest material to the creation area and place adjacent to the created nesting structure.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist that provides the results of the woodrat survey and a plan for avoidance or relocation of the nests in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a
copy of a signed contract (financial information redacted) with the County-
County-approved biologist who will monitor avoidance and relocation efforts
during land clearing activities. The Permittee shall submit to the Planning
a Mitigation Monitoring Report from a County-approved biologist subsequent to
the completion of land clearing activities that documents the actions taken to
or relocate woodrat nests.

**Timing:** The survey shall be conducted within 30 days of the land clearing
activities. The Survey Report and signed contract shall be provided to the
Planning Division prior to issuance of a zoning clearance for construction. The
Mitigation Monitoring Report shall be submitted within 14 days of completion of
the land clearing activities.

**Monitoring:** The Planning Division shall review the Survey Report and signed
contract for adequacy with the terms and conditions of this mitigation measure
prior to issuance of a Zoning Clearance for construction. The Planning Division
maintains copies of the signed contract, Survey Report, and Mitigation Monitoring
Report in the project file.

48. **Avoidance of California Gnatcatcher (BR 10-1)**

**Intent:** In order to prevent impacts on coastal California gnatcatcher if found
onsite, land clearing activities shall be regulated.

**Requirement:** A County-approved biologist with a section 10(a)(1)(A) permit
under the Federal Endangered Species Act shall conduct surveys for coastal
California gnatcatcher in accordance with the U.S. Fish and Wildlife Service’s
Presence/Absence Survey Guidelines for the coastal California gnatcatcher. If
the surveys confirm absence of coastal California gnatcatcher, land clearing
activities can be initiated. If the surveys confirm presence of coastal California
gnatcatcher, the Permittee shall consult with the U.S. Fish and Wildlife Service.

**Documentation:** The Permittee shall provide to the Planning Division a Survey
Report from a County-approved biologist with a section 10(a)(1)(A) permit under
the Endangered Species Act documenting the results of the protocol surveys for
coastal California gnatcatcher. If coastal California gnatcatchers are found during
the protocol surveys, the Permittee shall submit to the Planning Division a copy of
the take permit issued by the U.S. Fish and Wildlife Service and
documentation that the mitigation required by the take permit is being
implemented.

**Timing:** Prior to the issuance of a Zoning Clearance for land clearing within
areas not previously excavated, the Permittee shall provide to the County
Planning Division a copy of the Survey Report.
Monitoring: The Planning Division shall review for adequacy the Survey Report prior to issuance of a Zoning Clearance for land clearing.

49. Protection of special-status wildlife from lighting impacts (BR 11-1)

Intent: In order to minimize glare from project lighting and effects on adjacent habitat areas, project lighting shall be minimized.

Requirement: Project lighting shall be shielded such that light filaments or bulbs will not be visible to drivers on SR-23. In addition, the intensity of light spillover into lands outside the limits of disturbance shall not exceed 0.5 foot-candles.

Documentation: The Permittee shall submit to the County Planning Division a photometric analysis that demonstrates compliance with this condition of approval.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration under this CUP, the applicant shall submit the photometric study for review and approval.

Monitoring: County Planning Division staff shall review and, if found to be adequate in terms of the intent and objectives of this mitigation measure, approve the submitted study to assure compliance with this condition. As part of ongoing compliance monitoring pursuant to Condition No. 12 of this permit, the County may require additional studies and modification of the installed lighting.

50. Recovery of paleontological resources (PR 1-1)

Intent: In order to partially offset the loss of paleontological resources found in the formation subject to mineral extraction, the Permittee shall recover representative samples.

Requirement: The Permittee shall retain a Paleontologist deemed qualified by the Planning Director to survey areas proposed for future excavation and newly excavated areas for the presence of fossil remains. The Paleontologist shall collect representative samples of any fossil remains observed in accordance with the Society of Vertebrate Paleontology guidelines. The samples shall be prepared for identification and provided to a qualified facility for curation (e.g., the Los Angeles County Museum of Natural History).

In addition to surveys, the Paleontologist shall be on call to the facility in the that substantial fossil remains (e.g. a mammoth) are uncovered during mining. In
this event, excavation activities within 25 feet of the remains shall be halted until the remains are removed in a manner approved by the paleontologist. The Paleontologist shall provide training to mining facility personnel on the recognition of fossil remains.

**Documentation:** The Permittee shall submit to the County Planning Division a paleontology mitigation plan for review and approval. This plan shall describe the proposed survey and sampling methods, and the training to be provided to onsite personnel.

A survey report that describes the fossils observed and recovered shall be provided to the County Planning Division.

**Timing:** The paleontology mitigation plan shall be reviewed and, if adequate, approved prior to the issuance of the Zoning Clearance for Use Inauguration under this CUP. Survey reports shall be provided annually.

The requirement to conduct paleontological surveys and recover remains shall be in effect for a minimum of three years after the issuance of the Zoning Clearance. At the end of the initial three-year period, the Planning Director shall determine whether to continue, modify or end the program based on the volume and significance of the fossil remains recovered.

**Monitoring:** County Planning Division staff shall review the paleontology mitigation plan and survey reports to assure that this condition is satisfied.

51. **Compliance with Approved Amended Reclamation Plan**

All surface mining operations shall be conducted in accordance with Amended Reclamation Plan RP12-0001, as approved or amended by the County of Ventura. All mining excavation shall take place above the final reclaimed floor and shall occur within the aerial limits of excavation depicted on Amended Reclamation Plan maps and cross sections. All mining excavation shall occur in conformance with the phasing specified in the Amended Reclamation Plan.

*(Note: Amended Reclamation Plan RP12-0001 was approved by the County of Ventura on October 22, 2013.)*

52. **Compliance with SMARA and SMGB Regulations**

All surface mining activities shall occur in conformance with the California Surface Mining and Reclamation Act (SMARA) and the reclamation regulations adopted by the State Mining and Geology Board.
53. **Compliance with the Non-Coastal Zoning Ordinance**

All surface mining activities shall occur in conformance with Section 8107-9 of the Ventura County Non-Coastal Zoning Ordinance.

54. **Financial Assurance**

Prior to the issuance of any Zoning Clearance for use inauguration under this permit, or the conduct of any mining operations authorized by this permit, the Permittee (mine operator) shall post a Financial Assurance based on the approved Amended Reclamation Plan that is consistent with the requirements of SMARA Section 2773.1 and deemed adequate by the County of Ventura and the California Department of Conservation.

55. **Exceptions to Permit Conditions**

Pursuant to Section 8107-9.6.12 of the Ventura County Non-Coastal Zoning Ordinance, the Planning Director may grant temporary exceptions to the noise standards, hours of operation, and the conditions of approval provided that the Planning Director finds that it is necessary because of a declared public emergency or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

56. **Interim Management Plans**

As required by Section 2770(h) of SMARA, the operator shall submit an Interim Management Plan to the County of Ventura within 90 days of the mine becoming idle. The term "idle" is defined in Section 2727.1 of SMARA. The time period in which a mine is subject to an Interim Management Plan or considered idle does not alter the expiration date of this permit or the requirements of the applicable Approved Reclamation Plan.

57. **Copy of Approved Reclamation Plan**

A copy of the Approved Reclamation Plan shall be maintained on the mining site at all times. This copy shall be available for review by Federal, State and County inspectors, other agency staff, and the general public.

58. **Proprietary Information**

Information considered by the Permittee to be proprietary in nature that is required to be submitted to the County shall be so identified by the Permittee and submitted in separate form. To the extent allowed by law, this information shall be maintained in a confidential file and not released for public review.
59. [Intentionally left blank]

60. **Restricted Use of Engine Braking**

**Intent:** In order to minimize noise generated by material hauling trucks, the use of engine braking shall be restricted to the extent feasible and within transportation safety rules.

**Requirement:** The Permittee shall inform all drivers of project-related heavy trucks to avoid use of engine braking on any road between SR-126 and SR-118 with the following exceptions:

- **a.** On SR-23 between the access roads to the Grimes Rock (CUP 4874) and Wayne J (CUP 4571) mining facilities.

- **b.** If the Planning Director approves such braking for specific makes and years of trucks if it is demonstrated to the satisfaction of the Planning Director that such braking does not result in significant noise.

- **c.** During emergency situations.

The Permittee shall install signage at the project site that informs truck drivers of this requirement.

**Documentation:** The Permittee shall provide to the County Planning Division photographs that demonstrate that the required signage has been installed.

**Timing:** Prior to the issuance of the Zoning Clearance for Use Inauguration under this permit, the signage shall be installed.

**Monitoring:** County Planning Division compliance staff shall review the submitted documentation regarding signage for compliance with the terms of this mitigation measure, may review compliance during any site inspection, and shall investigate and respond to citizen complaints about the use of engine braking on heavy trucks traveling from the subject mine.

61. **Onsite noise suppression for possible future adjacent residential uses**

**Intent:** Tentative Tract Map No. 5277 was approved by the County of Ventura January 25, 2005, and is set to expire on January 24, 2015. This map subdivides land adjacent to the existing paved road that will be used for material hauling to new southern entrance to the mining facility. The map includes twelve (12) large lots ranging in area from 10 to 28 acres. The location of future primary dwellings
that may be developed on these tentative lots is unknown at this time. The Tentatively approved TM 5277 subdivision would be accessed by an entrance on Shekell Road approximately 2,000 feet south of the proposed CUP boundary of the mining facility. To date, the final map has not been recorded and no development has commenced on the TM 5277 site. Absent an understanding of the location and design of any potential residential construction, it is not possible determine whether the use of the existing paved road by material hauling trucks could generate noise at a primary residence(s) that would exceed County standards. However, in order to assure compatibility of the project with potential future residential uses that may be developed near the existing paved road to be used by material hauling trucks, noise analysis and suppression measures may required in the future.

**Requirement:** In the event that Tentative Tract Map No. 5277 records and single family dwellings (primary residences) are constructed within 730 feet of the existing paved road that connects to the southern mining facility entrance, the Permittee shall have a study prepared that evaluates the noise level at each such primary residence that is due to the operation of material hauling trucks. The Permittee shall implement noise suppression measures identified in the study to reduce the truck noise experienced at the primary residences developed on the lots of TM No. 5277 to below the levels listed in County General Plan Policy 2.16.2(4), or substitute regulations as may be adopted by the County.

**Documentation:** The Permittee shall provide to the County Planning Division for review and approval a noise study(s) prepared by a qualified acoustical engineer that describes the level of noise experienced at the primary residence(s) developed on TM No. 5277 that results from the onsite trucking operations that involve the southern entrance to the Grimes Rock facility. The noise study shall include recommended noise suppression measures that would reduce noise levels at the TM 5277 primary residences to below the thresholds level specified in County General Plan Policy 2.16.2(4). The initial noise study prepared shall delineate the area on the TM 5277 property for which noise from the operation of hauling trucks could possibly exceed County noise policy limits. If the potentially affected area delineated in the initial noise study falls less than 730 feet from the existing paved road, the newly delineated area will establish a new distance threshold for when further noise studies are required. Primary residences constructed more than 730 feet from the existing paved road or outside of the limits established in the initial noise study will not require a new noise study or noise suppression measures.

**Timing:** The Permittee shall submit the required noise study(s) within 60 days of the completion of construction (as evidenced by the issuance of a Certificate of Occupancy) of a permitted primary residence on TM 5277 located within 730 feet (or some lesser distance established by a previous noise study deemed
by the County Planning Division). Any required noise suppression facilities shall be installed within 90 days of the approval by the County Planning Division of the required noise study. This time frame may be extended for good cause at the discretion of the Planning Director.

**Monitoring:** As part of the regular required inspections of the Grimes Rock mining facility, County staff will determine whether the operator is in compliance with this condition. Staff will review the submitted reports for adequacy and maintain noise studies in the project file.

[Note: The 730 foot distance from the existing paved road is based on Figure 2.16.7 of the County General Plan Hazards Appendix. The 730 feet is the distance from the centerline of SR 23 to the 50 CNEL noise contour created by the entire current traffic load on the highway. Given the minor proportion (less than 8 percent) of the SR 23 traffic due to the Grimes Rock facility, this distance encompasses more area than could possibly experience noise levels due to hauling trucks that would be inconsistent with County Noise Policy 2.16.2(4).]

**ENVIRONMENTAL HEALTH DIVISION**

62. **Handling of hazardous material (EH 1)**

The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.

63. **Prevention of mosquito breeding (EH 2)**

All water impoundments and storm water collection systems shall be constructed and maintained in a manner which will prevent the breeding of mosquitoes.

64. **Septic sewage disposal systems (EH 3, 4, 5)**

**Intent:** In order to assure that the onsite septic effluent disposal system does not cause an adverse effect on public health, the Permittee shall comply with applicable orders issued by the Los Angeles Regional Water Quality Control Board.

**Requirement:** The Permittee shall comply with Order No. 01-031 adopted by Angeles Regional Water Quality Control Board (LARWQCB) adopted Order No. 01-031. This Order requires general waste discharge requirements to be for septic systems utilized by commercial uses. The permittee shall obtain from LARWQCB a Waste Discharge Report/determination of exemption for the onsite septic sewage disposal system from the LARWQCB or written authorization that
allows the Ventura County Environmental Health Division (VCEHD) to review the subject system and issue necessary permits.

(Note: Only "domestic waste", as defined in the Ventura County Building Code Ordinance, shall be discharged into septic systems.)

Documentation: The Permittee shall provide to the County Environmental Health Division a copy of a written determination of exemption or a copy of a letter of authorization issued by the LARWQCB. Should the VCEHD be authorized to review and permit any septic systems, the Permittee shall file the established application and fees in accordance with current ordinance.

Timing: The Permittee shall submit the required documentation, and obtain any required permits, prior to the issuance of the Zoning Clearance for Use Inauguration under this CUP.

Monitoring: VCEHD staff shall review all submitted documentation and issue necessary permits upon the determination that the subject septic systems will meet established design standards.

65. Portable toilets (EH 7)

If portable toilets are used at the project site, the Permittee shall provide an adequate quantity of such toilets, and associated hand washing facilities, for use by on-site personnel. All toilets shall be maintained in a sanitary condition at all times.

FIRE DEPARTMENT

66. Brush clearance (F 1)

All work areas and parking areas shall be maintained free of flammable vegetation and debris at all times. Brush shall be cleared within 100 feet of any permanent structure. No open fires shall be allowed on the project site.

PUBLIC WORKS AGENCY

67. Grading permits (PW 1)

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

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

**Documentation:** The Permittee shall submit to the Public Works Agency (PWA), for initial review, a site plan that depicts the existing and proposed topographic contours of an area proposed to be graded. If the PWA determines that a grading permit is necessary, a set of grading plans prepared by a Civil Engineer shall be submitted by the Permittee to the PWA as part of a Grading Permit application. This application shall include some or all of the following informational items, if requested by the PWA:

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

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

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

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

**APPLICANT PROPOSED CONDITION**

**68. Fair share contribution to proposed cost of constructing proposed SR-23 bypass**

**Intent:** The City of Moorpark has indicated that it believes the Permittee should pay a "fair share" contribution towards the cost of constructing a proposed road intended to alleviate traffic on Walnut Canyon Road/Moorpark Avenue in the downtown section of the City. The final EIR finds that such a fair share contribution requirement does not constitute feasible mitigation under CEQA, as relies on a future funding mechanism that has not been formulated, funded, or adopted. The conceptual SR-23 bypass road set forth in the City of Moorpark's General Plan Circulation Element is in the preliminary planning and design
and the timing of construction remains uncertain. A final road design and engineer's cost estimate have not been prepared or adopted by the City of Moorpark or by CalTrans, and there is not an adopted funding mechanism in to finance the project. Moreover, all rights-of-way required for the construction of the proposed bypass road have not been obtained. Accordingly, pursuant to CEQA Guidelines §§ 15126.4, 15364 and 15370, the County has found that the proposed SR-23 bypass road does not constitute a required or feasible mitigation measure for potential traffic impacts.

Notwithstanding the County's conclusion based on the foregoing, Permittee has voluntarily agreed as a condition of approval of the proposed project to pay its fair share contribution towards the costs of constructing such a SR-23 bypass road if and when the fair share funding mechanism meeting the legal requirements outlined above is finally adopted.

Requirements: If the City of Moorpark completes a final bypass road design, secures a licensed engineer's cost estimate for the construction of the bypass road, secures all real property rights and project approvals necessary to construct the proposed SR-23 bypass, and adopts a fair share contribution funding mechanism that, together with other documented and secured sources of financing, is sufficient to fully fund construction of the bypass, then the Permittee, together with future projects contributing to SR-23 traffic impacts, shall pay a fee proportional to such project's fair share of such SR-23 traffic impacts. The Permittee's fair share contribution shall be determined based upon the limit of 220 maximum daily one-way hauling truck trips arriving to or departing from the southern entrance to the facility. (See Condition #1 above.) It is recognized that some or all of the proposed SR-23 improvements may not be feasible due to expense, issues with right-of-way acquisition, technical issues, or lack of approval from other agencies (including the City of Moorpark and CalTrans).

Documentation: If the City of Moorpark provides the County with written notice of its satisfaction of the requirements set forth above, the Permittee shall provide the County Planning Division with a letter from the City of Moorpark that documents that the Permittee's required fair share contribution has been paid.

Timing: If the City of Moorpark provides the County with written notice of its satisfaction of the requirements set forth above, and all time periods for challenge of the City of Moorpark's funding mechanism have expired, then Permittee shall pay its required fair share contribution within thirty (30) days of written notice from the City of Moorpark.

Monitoring: County Planning Division staff shall review the documentation submitted by the Permittee to determine if Permittee has made full payment of its fair share contribution in accordance with this condition.
DEPARTMENT OF CONSERVATION

69. Abandoned Oil wells

The abandoned oil and gas wells located on the mining site shall be re-abandoned in accordance with Division of Oil and Gas and Geothermal Resources (DOGGR) standards if affected by mining excavation. The Permittee shall inform the County Planning Division and DOGGR immediately if any of the wells on the property are encountered during surface mining operations.

ADDITIONAL CONDITION

70. Sweeping of SR 23 near APN 500-0-010-050

The Permittee shall maintain the road frontage adjacent to the property located at 1150 Chambersburg (APN 500-0-010-050) substantially free of spilled aggregate material derived from haul trucks transporting material from the Grimes Rock mining facility. The adequacy of the clean-up measures taken by the Permittee shall be determined by the Planning Director.

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

ADDITIONAL APPLICANT PROPOSED CONDITION

71. Hauling Truck Noise Reduction Fund Program

Intent: Even though the County's 2010 adopted Initial Study Assessment Guidelines (ISAGs) specifically exclude increased traffic noise on State highways, Federal highways, and roads included in the Regional Road network as subject to the noise thresholds of significance, and all of the local haul routes identified for the Grimes Rock facility fall into one of these roadway categories, there was testimony at the public hearing that could be perceived as noise and vibration impacts from project hauling truck traffic. In order to address the potential for perceived noise effects of hauling trucks travelling through the City of Moorpark on SR 23/Walnut Canyon Road, the Permittee shall establish a monetary fund with the County of Ventura to help pay for the purchase and installation of dual-paned windows on residential properties in the City of Moorpark adjacent to SR 23/Walnut Canyon Road, who apply to the County for window upgrade reimbursement.

Requirements: The Permittee shall establish a $25,000.00 fund to be used for the reimbursement of costs related to the installation of dual-paned window improvements
residential buildings adjacent to SR 23/Walnut Canyon Road in the City of Moorpark. County RMA-Planning staff, with Permittee, shall administer this fund. Only residents or owners of existing (2013) residential buildings located on Walnut Canyon Avenue within the City of Moorpark are eligible to receive reimbursement funding under this program.

**Documentation:** The Permittee shall prepare a written notice informing occupants and record property owners of this fund and the opportunity for dual-paned window reimbursement. Permittee shall submit such notice to County for review and approval before mailing such notice of the availability of the $25,000.00 fund to the owners of residential units adjacent to SR 23/Walnut Canyon Road in the City of Moorpark and concurrently to the County Planning Division. The Permittee shall review application for replacement window funding with the County RMA-Planning Staff and maintain a public record of applications for funding and the payments made under this program. The maximum amount to be expended by Permittee is $25,000, and to the extent there are reimbursement requests that exceed this amount, the Permittee shall work with County staff to determine an equitable way to allocate the funding.

**Timing:** The required notice shall be mailed within 90 days after the Zoning Clearance for Use Inauguration under this modified conditional use permit is issued. A copy of this notice shall concurrently be provided to the County Planning Division. The fund shall be maintained until the $25,000.00 is exhausted or this permit expires. If at the end of the permit term there are still monies in this fund, the remainder shall be returned to the Permittee.

**Monitoring:** Compliance with this condition will be assured by County RMA-Planning staff through review of the fund program requests and other records during the annual inspection process required by the Surface Mining and Reclamation Act (SMARA).
Map of area subject to CUP 4784-2 (PL12-0159) and Reclamation Plan RP12-0001