

**MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES**

**STAFF REPORT FOR USE PERMIT AND RECLAMATION PLAN RENEWAL**

**#UR 2012-0004  
MARCH 19, 2015  
PAGE PC - 1**

**OWNER/APPLICANT:** DANIEL AND BECKY THOMAS  
PO BOX 1028  
UKIAH, CA 95482

**REQUEST:** Use Permit and Reclamation Plan Renewal to extend an existing quarry mining operation for twenty-five (25) years. Extraction would consist of up to 500,000 total cubic yards (CY) of material (average of 20,000 CY per year) with up to 50,000 CY in any one year.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve with Conditions

**LOCATION:** 4± miles southwest of Hopland, lying 0.75± miles east of Highway 101 along a private ranch road near Postmile marker 6.74 (APN 050-180-64, 050-180-65, 050-180-66, 050-180-67, 050-220-13).

**TOTAL ACREAGE:** 4± acres of an 350± acre property

**GENERAL PLAN:** Rangeland (RL)

**ZONING:** Rangeland (RL)

**ADJACENT ZONING:** North, East, South and West: Rangeland (RL)

**EXISTING USES:** Agricultural (livestock)/Mining and Processing (rock quarry)

**SURROUNDING LAND USES:** North, East, South and West: Agricultural

**SUPERVISORIAL DISTRICT:** 5

**OTHER RELATED APPLICATIONS ON SITE:** The Planning Commission approved Use Permit #U 1986-0028 on July 16, 1987, allowing for the operation of a rock quarry with an average extraction of 20,000 cubic yards (CY) per year, and a maximum extraction of up to 50,000 CY in a one-year period. Use Permit #U 1986-0028 was amended by modification 28-1986/1987 (#UM 1986/1987-0028). The use permit expired on July 27, 2012; however, the operator had applied for this permit renewal prior to the expiration date and was allowed to continue operations during its processing.

**PROJECT DESCRIPTION:** The applicant is proposing to continue mining operations (extraction and processing) at the existing site for a period of twenty-five (25) years. The request does not propose an increase in extraction and processing volumes. The maximum volumes of material extracted would not exceed 500,000 CY over the twenty-five (25) year period, with a maximum extraction of 50,000 CY in any single year. Existing access will be maintained.

The proposed Reclamation Plan would reclaim the site over two phases moving from the southwestern portion of the site towards the northern slopes and floor. The proposed end use of the quarry is for cattle grazing consistent with the surrounding ranching operation of the property owner. Phase 1 of the reclamation will address slopes at final grade and the project floor within the southwestern section of the

project area. Through the extraction process, cut slopes will be brought near or to the final grade. Areas to be reclaimed will be prepared and re-vegetated. Phase 2 will address the remainder of the site, involving revegetation and re-grading of slopes and the project floor. Following completion of extraction activities, all roads and any compacted areas will be scarified prior to revegetation, with the exception of roads used for the existing rangeland use. If determined to be necessary, straw wattles or other erosion control methods will be implemented to control short-term erosion. All equipment will be portable and will be removed from the site prior to final reclamation. This includes all mobile equipment, such as loaders, dozers, haul trucks, storage vans and water trucks. All surplus equipment and supplies utilized for the mining operation will be transported offsite.

**SETTING:** The property is located approximately four (4) miles southwest of Hopland, lying approximately 0.75 miles east of Highway 101. The quarry is surrounded by active cattle ranches, and sits approximately 800 feet west of a creek, alternatively named Coleman Creek and Vasser Creek. The operation is not visible from Highway 101. The nearest residence is located one (1) mile from the quarry.

### **KEY ISSUES:**

#### **1. GENERAL PLAN:**

The property is designated Rangeland by the General Plan. Additionally, the property lies within an Agricultural Preserve (Agricultural Preserve Number 0336) as an active ranching operation. Development Element Policy DE-17 of the General Plan lists "General Uses" under the Rangeland category as those "related to and compatible with ranching, conservation, processing and development of natural resources, recreation and utility installations." With regard to Agricultural Preserves, Resource Management Policy RM-108 states that "discretionary projects shall not undermine the integrity and economic viability of agricultural operations..." The mining and agricultural activities have co-existing on the property since 1986 with no known or reported conflict. Continued mining activities, subject to the recommended conditions of approval of this use permit renewal, are not expected to conflict with general plan policies or resource preserve integrity.

#### **2. ZONING:**

The property is zoned Rangeland, and is subject to the use and development standards of Mendocino County Zoning Code Section 20.060. Mining and Processing uses are conditionally permitted in the Rangeland zoning district subject to a major use permit (Section 20.060.025(E)) and also on "Lands Within the Rangeland District" under an agricultural preserve contract (Section 22.08.080(C)(3)). Both the mining operation and agricultural activities have co-existed on the property since 1986 with no known or reported conflict. Continued mining activities, subject to the recommended conditions of approval of this use permit renewal, are not expected to result in any adverse impacts to either zoning or resource preserve integrity.

#### **3. SURFACE MINING AND RECLAMATION:**

Both the California Surface Mining and Reclamation Act (SMARA) and Chapter 22.16 of the County Code (Surface Mining and Reclamation) require reclamation plan approval for surface mining operations. Comments were received requesting clarifying revisions from the California Department of Conservation Office of Mine Reclamation (OMR)(letter dated January 24, 2013) on the initial November 2012 submittal of a Reclamation Plan. The requested information was subsequently incorporated into the plan, and OMR supplied additional comments requesting revisions (letter dated October 11, 2013). The applicant submitted a revised Reclamation Plan addressing OMR comments on October 21, 2013.

#### **4. ENVIRONMENTAL REVIEW:**

A Draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to California Environmental Quality

Act (CEQA) Guidelines Section 15063. The draft environmental document is attached. All application materials are available for review at the Ukiah office of the Department of Planning and Building Services.

- *Air Quality*

The proposed project has the potential to result in impacts to air quality in the region including fugitive dust emissions from the removal of overburden, grading, removal of topsoil, excavation, blasting and processing activities. Also included are combustion emissions from the operation of heavy off-road equipment and truck haul trips. The project would be a continuation of an entitlement that was obtained in 1986 with the operator having remained in substantial compliance with air quality permitting requirements throughout the life of the operation to date. Air quality related impacts are regulated through Air Quality Management District (AQMD) permitting requirements. Comments received from the District stated that the operator was current with the required permits with no known compliance issues.

The quarry is located in a mapped area of concern for Naturally Occurring Asbestos (NOA) and subject to state regulations enforced by the Mendocino County AQMD. Per **Condition 1**, prior to resuming extraction and processing practices at the quarry, a letter shall be provided to Planning and Building Services by AQMD that the quarry is in compliance with all permitting requirements and regulations related to fugitive dust emissions and potential NOA relating to the project. This condition will help to ensure, potential impacts conflicting with air quality plans and standards will be less than significant.

The project is located well within an approximately 350 acre ranch, surrounded by similarly rural and agricultural land uses. No impact resulting from objectionable odors or exposure of pollutants to sensitive receptors will occur.

- *Geology and Soils*

As noted, the applicant is proposing to continue mining operations (extraction and processing) at an existing site for a period of twenty-five (25) additional years. The boundary of the operation would remain constant. Extraction and processing volumes would remain, with a maximum of 50,000 CY per year. Overall, the maximum volumes of material extracted would not exceed 500,000 CY over the twenty-five (25) year period.

Reclamation of the site would occur over two phases with an end use proposed for cattle grazing, which is consistent with the surrounding ranching operation of the property owner according to the proposed reclamation plan.

**Condition 3** requires that the reclamation plan include a requirement for a registered professional engineer or geologist to oversee grading activities related to construction of final slopes to ensure that the slope design is being implemented as recommended. Overall, impacts are not expected to reach a level of significance in this area.

- *Hazards and Hazardous Materials*

Approval of the project has the potential to result in certain hazards related to the mining operation. Materials used for occasional blasting purposes or fuels and lubricants used for the operation of heavy equipment should not be stored onsite. **Condition 7** is intended to reduce the impact of hazardous materials to a level less than significant by requiring offsite storage of hazardous materials. Potential fire hazards would also be rare depending on seasonal fire rating levels and availability of fire prevention services. **Condition 5** requires provisions for a water truck when equipment is used during "high," "very high" or "extreme" fire danger levels, as well as notice to the local Hopland Fire Protection District prior to blasting activities during similar periods of fire danger levels. **Condition 6** requires that all non-turbo charged equipment shall have approved spark arrestors installed and shall carry "ABC" type fire extinguisher(s). These conditions are recommended to ensure that the potential for these and other such hazards are held to a minimum.

- *Hydrology and Water Quality*

The quarry site is located within the Russian River watershed, draining mainly into tributaries of Cumiskey Creek and Pieta Creek, which ultimately empty into the Russian River. The quarry is located

approximately 1,000 feet from the nearest stream (Pieta Creek) and approximately 3,000 feet from the Russian River. The quarry area slopes to the southeast and into an existing roadside ditch along the north side of the access road. The ditch flows westerly and into an existing twelve (12) inch culvert. The area west of the quarry is in a natural state and flows west and eventually into the existing 4.4 acre sediment pond.

The application was referred to the Office of Mine Reclamation (OMR), the Mendocino County Water Agency (MCWA), and the Regional Water Quality Control Board (RWQCB) for review. Representatives from OMR and MCWA visited the project site on January 16, 2013, prior to contributing comments. In a letter dated January, 24, 2013, OMR requested that the applicant revise the reclamation plan to include sizing calculations for the stormwater drainages, the culverts and the sediment pond (size and outlet). An engineer, on behalf of the applicant, submitted drainage calculations on July 30, 2013 in response to the OMR request. These calculations, within the proposed Reclamation Plan, demonstrate the design's ability to retain up to a twenty (20) year, one (1) hour storm event, meeting requirements of the California Surface Mining and Reclamation Act (3706(d)).

In a letter dated February 4, 2013, MCWA supplied comments regarding the project's erosion and runoff design. MCWA wrote that "the site is in generally good condition and is well vegetated," but requested that areas of the roadside ditch that have eroded be repaired, stockpiles be protected from erosion by wattles, and revisions be made to the reclamation plan to more accurately depict the existing runoff facilities. **Condition 4** is recommended, requiring the applicant to comply with the recommendations of MCWA prior to resuming extraction and processing operations at the quarry.

With the implementation of the recommended condition, no significant impacts are expected to result from renewal of the subject entitlement with respect to water quality or quantity.

#### **RECOMMENDED ACTION:**

PBS recommends that the Planning Commission approve Use Permit and Reclamation Plan Renewal #UR 2012-0004 for a period of 25 years based on the following recommended findings and conditions of approval:

#### **FINDINGS:**

- 1. Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project that cannot be adequately mitigated through the conditions of approval; therefore, a Mitigated Negative Declaration is adopted.
- 2. General Plan Consistency Finding:** As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.
- 3. Surface Mining and Reclamation Findings:** The Planning Commission approves Use Permit Reclamation Plan Renewal #UR 2012-0004 further finding that implementation of the plan is compliant with Mendocino County Surface Mining and Reclamation Ordinance (Chapter 22.16) and the California Surface Mining and Reclamation Act (SMARA) and will leave the mined land in a usable condition which will be environmentally safe and readily adaptable for appropriate alternative land uses.

**CONDITIONS OF APPROVAL:** Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

- \*1. The applicant shall provide to Planning and Building Services a copy of the AQMD letter demonstrating that the quarry is in compliance with all regulations of the Mendocino County Air Quality Management District, including obtaining any required permits necessary for the site of this application.

- \*2. In the event that archaeological resources are encountered during normal operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- \*3. A registered professional engineer or geologist shall review the slopes every 5 years or when the grading is within 100 feet of the final slope configuration for each phase, whichever is sooner, to confirm the slope criteria is met and stable, and report the findings to the Department of Planning and Building Services.
- \*4. Prior to operation, the applicant shall produce written confirmation from the Mendocino County Water Agency that the following conditions, as recommended in a letter from the Water Agency on February 4, 2013, have been satisfied:
  - a. Damage to ditches and berms along the access road require shall be repaired to prevent erosion.
  - b. The gravel and reground asphalt stockpiles should be protected from erosion by, for example, wattles secured around the perimeter of the stockpile.
  - c. Damage to culverts draining into the sediment pond shall be repaired or replaced.
- \*5. During "high," "very high," or "extreme" fire danger rating levels, the operator shall have a water truck on standby during use of equipment at the quarry. Also during these rating levels, the operator shall provide notice to the Comptche Volunteer Fire Department a minimum of 24 hours prior to blasting activities.
- \*6. All non-turbo charged equipment shall have approved spark arrestors installed and shall carry "ABC" type fire extinguisher(s).
- \*7. There shall be no on-site fuel storage in association with this project.
- \*8. The hours of operation of the quarry shall be limited to between 7 a.m. and 6 p.m. Noise levels created by the operation as measured at the nearest residence other than that of the mine owner or operator shall not exceed the following:
  - a. 65 dBA for a cumulative period of more than 30 minutes in any hour.
  - b. 70 dBA for a cumulative period of more than 12 minutes in any hour.
  - c. 75 dBA for a cumulative period of more than 3 minutes in any hour.
  - d. 80 dBA for a cumulative period of more than 1 minute in any hour.
  - e. 85 dBA at any moment.
9. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on **March 19, 2040**. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.
10. All recommendations made within the Pieta Quarry Reclamation Plan prepared by Thomas and Franz shall be considered conditions of approval for the subject use permit and reclamation plan. The final reclamation and re-vegetation of the site shall be done in conformance with the said plan.
11. The rock quarry extraction operation shall not exceed 500,000 cubic yards (CY) of rock, and a maximum annual limit of 50,000 CY per year.

12. Annually, prior to July 1st, the applicant shall supply to the Department of Planning and Building Services an accounting of the quantities and types of materials extracted and/or processed from each location that season. The accounting report shall indicate the dates on which the specified volumes were removed, the method used to calculate the volume figures and the signature of the person responsible for completing the report. Such report shall be submitted even if no material was removed that season.
13. The applicant shall submit the appropriate mining inspection and monitoring fee to the Department of Planning and Building Services within 30 days of approval, and on an annual basis until the mine is fully reclaimed. Fee estimates are calculated yearly and may change over the course of the entitlement.
14. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to **April 3, 2015**. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
15. Prior to any change of operators, the applicant shall notify the Department of Planning and Building Services 30 days prior to extraction. The applicant shall provide an accounting of all materials mined by each operator. Any change in operators shall not exempt the applicant/operators from providing required monitoring information.
16. The applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
18. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.
19. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
20. A copy of the reclamation plan and grading plan shall be kept on site at all times.

22. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.

23a. The applicant shall provide Mendocino County with a cash or surety bond or other acceptable form of financial assurance for the reclamation plan mitigation measures. The bond shall be available to both the County of Mendocino and the Department of Conservation. Any withdrawals made by the County or Department of Conservation for reclamation shall be re-deposited by the applicant within 30 days of notification.

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

The security bond is not set up to replace the applicant’s responsibility for reclamation or mitigation, but to assure funding for the reclamation plan and mitigation measures. Should the applicant fail to perform or operate within all the requirements of the approved reclamation plan, the County or Department of Conservation will follow the procedures outlined in Section 2773.1 and 2774.1 of the Surface Mining and Reclamation Act (SMARA), regarding the encashment of the bond and applicable administrative penalties, to bring the applicant into compliance. The requirements for the bond will terminate when the approved reclamation plan and mitigation measures have been completed.

23b. Implementation and Verification. The financial assurance shall name both the County and the Department of Conservation as payees per the requirements of AB 3551. The amount will be based on an estimate of reclamation cost provided by the applicant and subject to review by both County staff and Counsel and the Department of Conservation. The financial assurance will be reviewed on an annual basis for adequacy and shall be released when the approved project, mitigation measures and final reclamation plan activities have been completed.

24. Pursuant to Section 2772.7 of the California Public Resources Code, the applicant/operator shall have recorded with the County Clerk, a “Notice of Reclamation Plan Approval” that shall include:

- a. A statement that “Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the County of Mendocino, a copy of which is on file with County Department of Planning and Building Services,” and;
- b. A legal description of the property subject to the said reclamation plan.

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DATE

SP/at  
Mitigated Negative Declaration  
Appeal Fee: \$1,820.00  
Appeal period: 10 days

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SCOTT PERKINS  
PLANNER I

\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.

**APPENDIX:**

- A- Initial Study
- B- Reclamation Plan

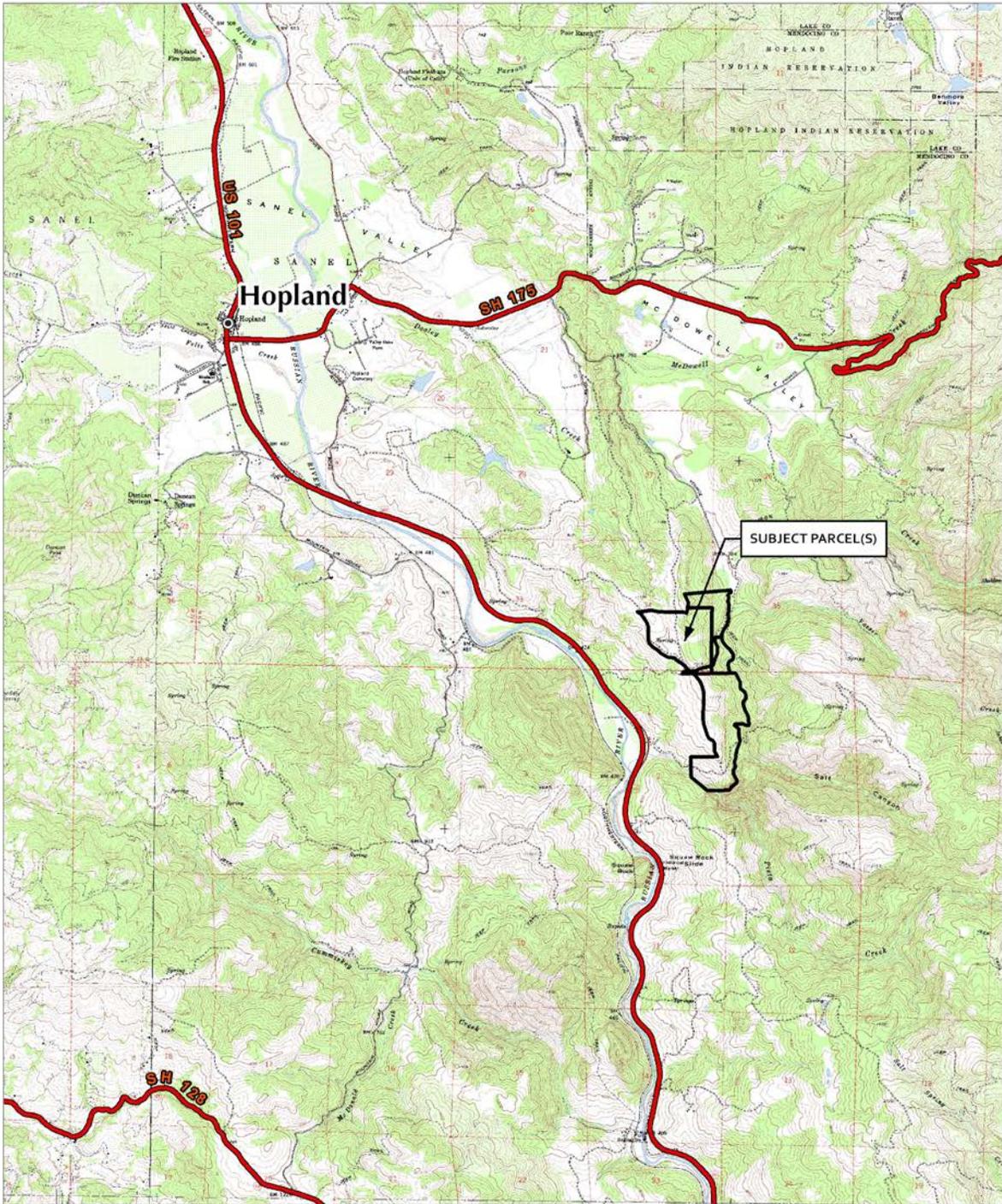
**ATTACHMENTS:**

- A- Location Map
- B- Aerial Map
- C- Zoning Map
- D- General Plan
- E- Adjacent Parcels
- F- Fire Hazard Zones
- G- Slope
- H- Soils
- I- Williamson Act
- J- Fault Zones
- K- 11x17 Site Plan

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
County Dept. of Transportation		X	
Environmental Health		X	
Building Inspection		X	
Assessor	X		
Farm Advisor	X		
Agricultural Commissioner		X	
Air Quality Management District		X	
County Water Agency			X
Resource Lands Protection Committee		X	
Caltrans	X		
Department of Forestry / CALFIRE	X		
Department of Fish and Wildlife	X		
North Coast RWQCB	X		
Department of Conservation			X

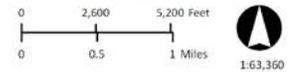
ATTACHMENTS

UR 2012-0004



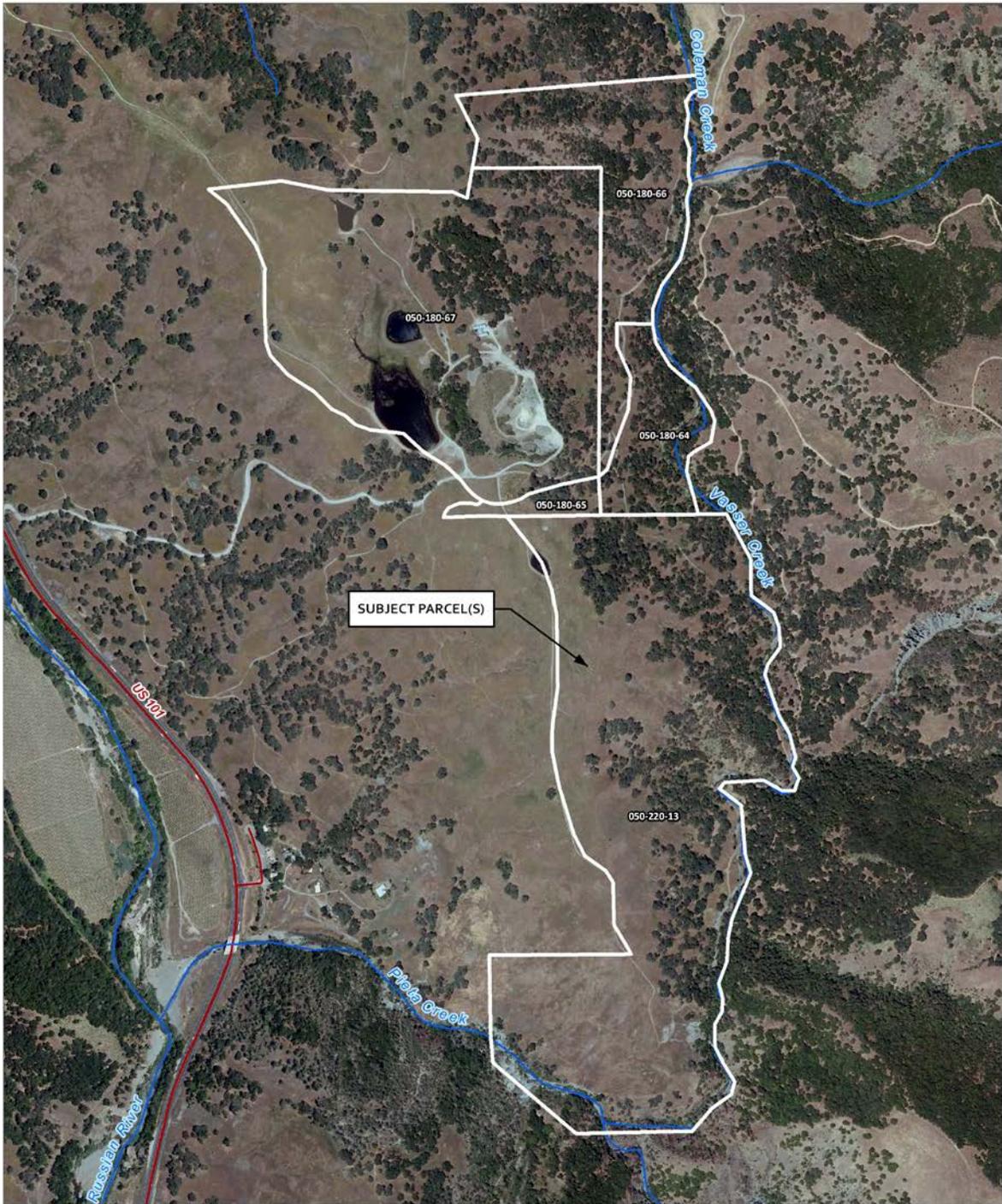
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OWNER: THOMAS, Daniel & Becky  
APN: 050-180-64, et. al.  
APLCT: Daniel Thomas  
ADDRESS: 17051 S. Hwy. 101, HO

- ⊙ Major Towns & Places
- Highways



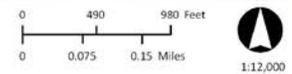
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, January, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



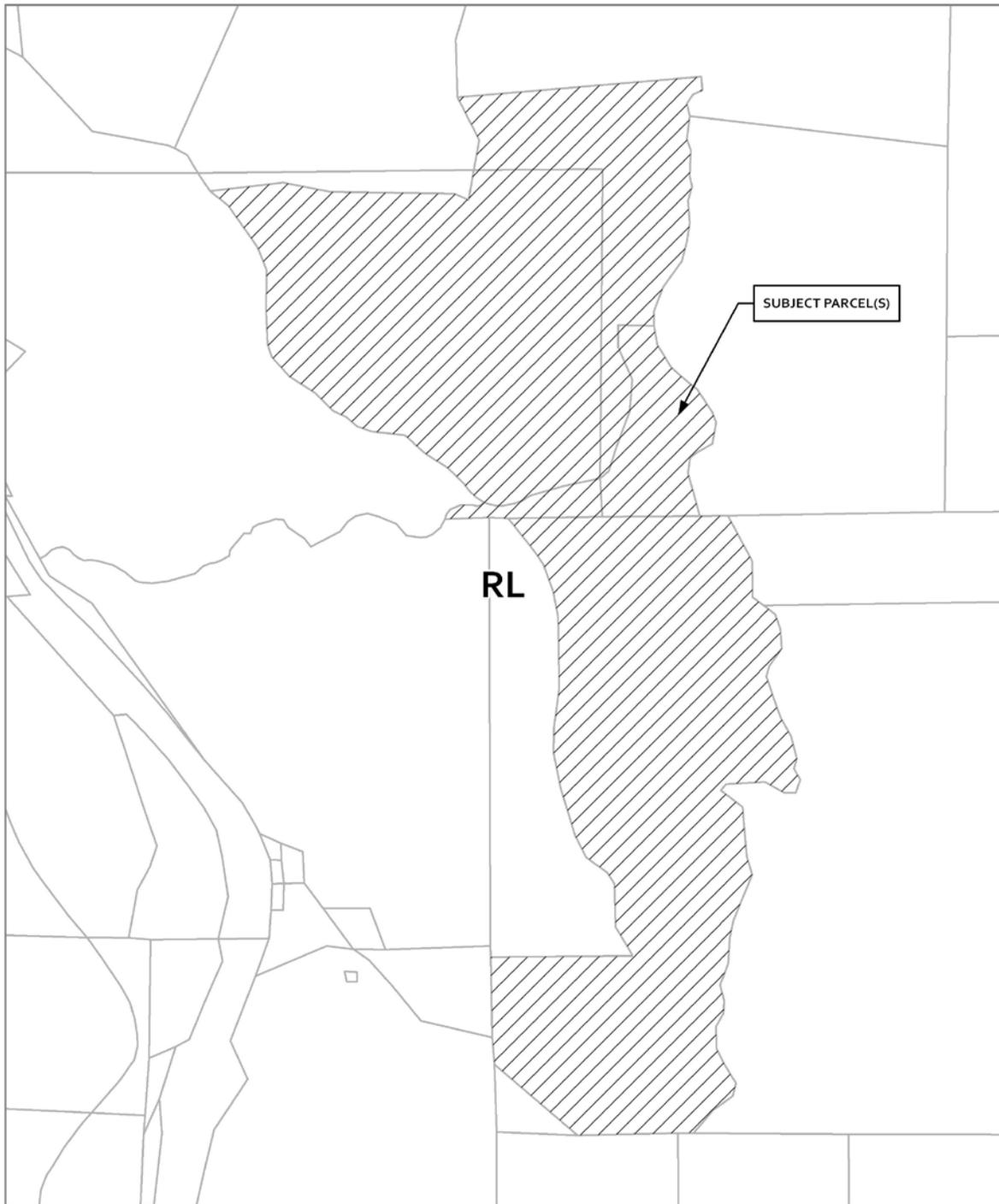
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— Named Rivers  
— Public Roads

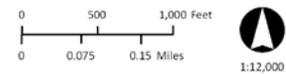


2010 NAIP AERIAL ORTHOPHOTO

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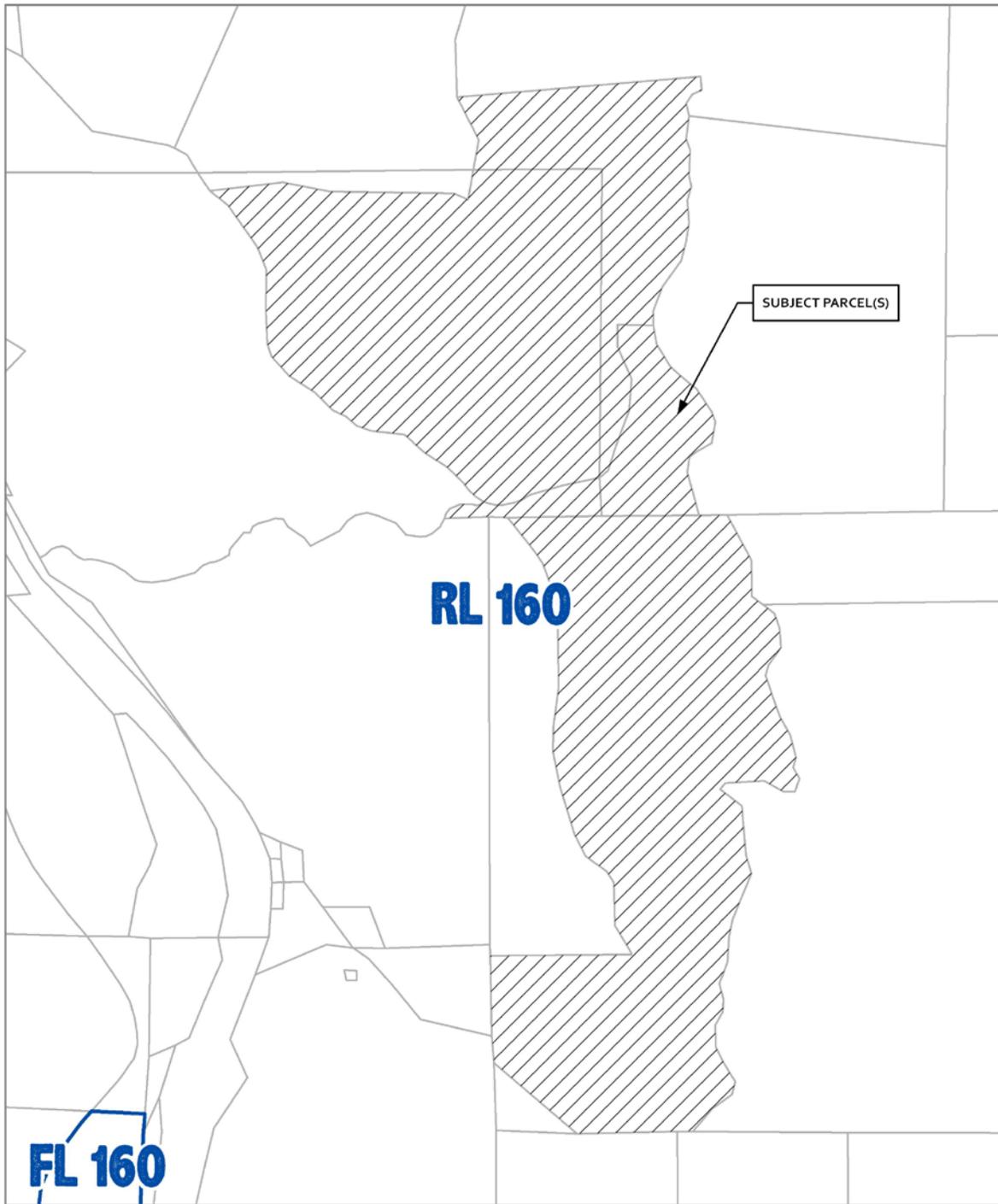


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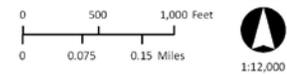


ZONING DISPLAY MAP

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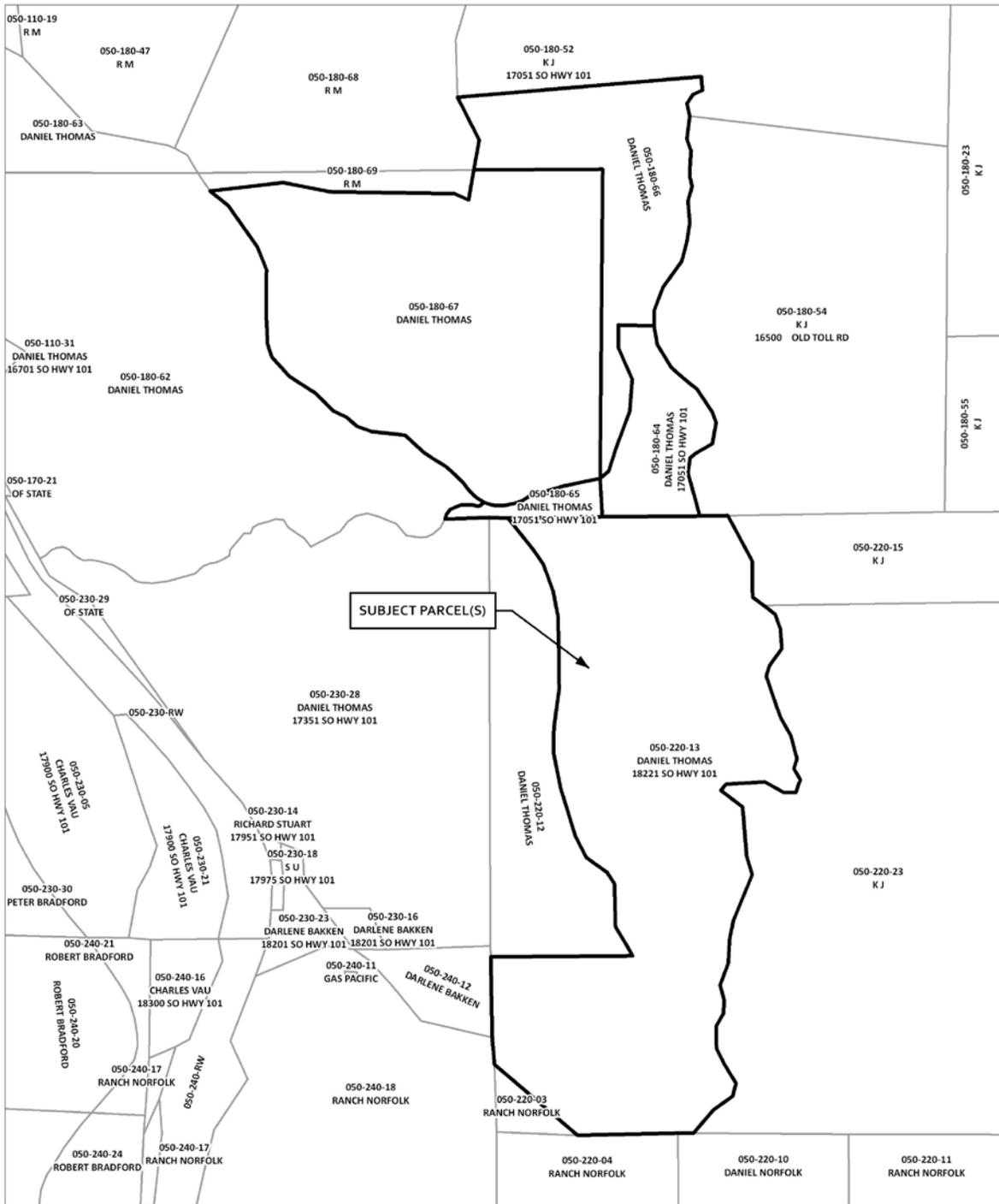


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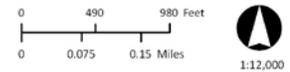


GENERAL PLAN CLASSIFICATIONS

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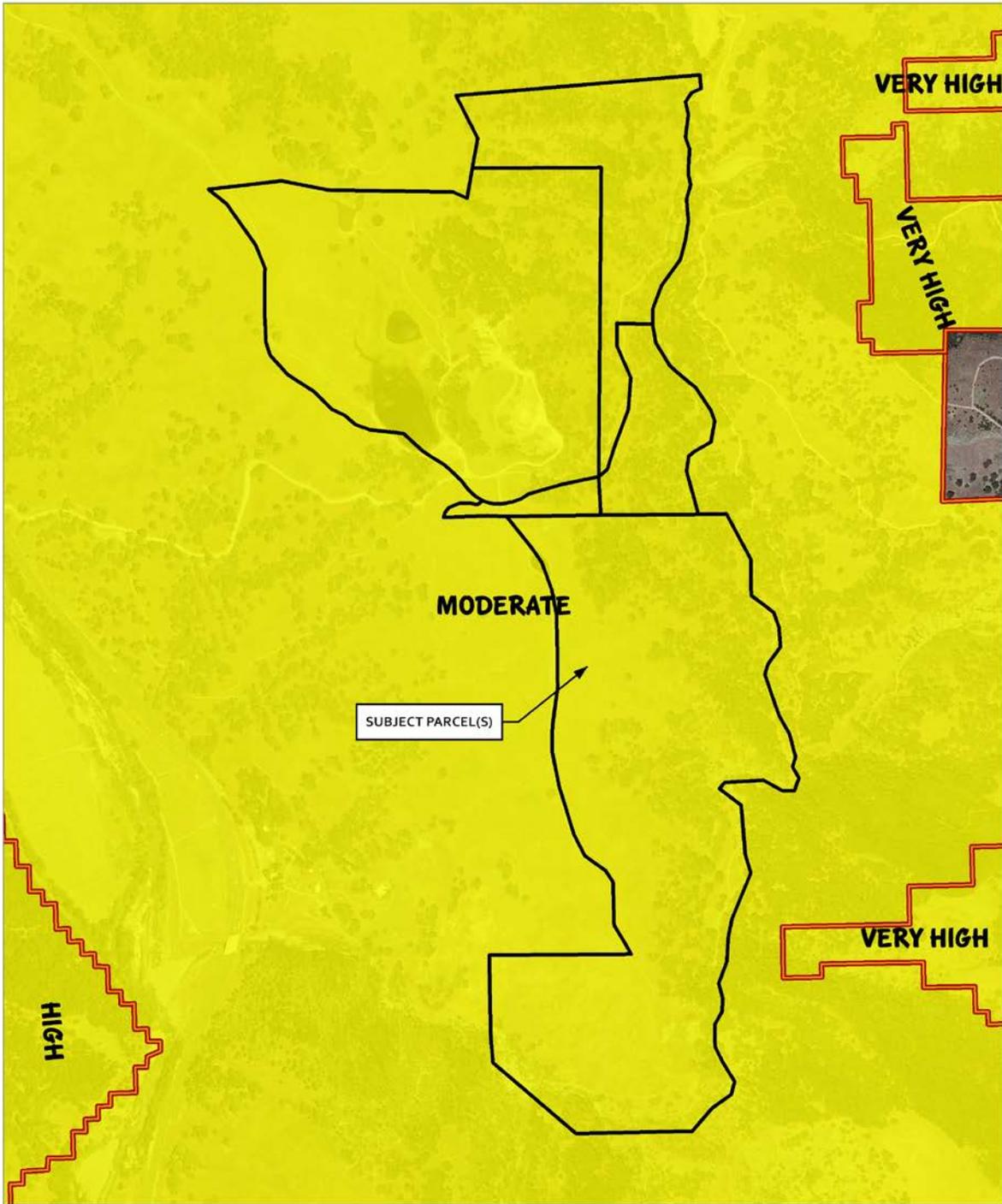


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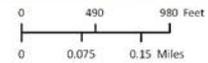
ADJACENT PARCELS

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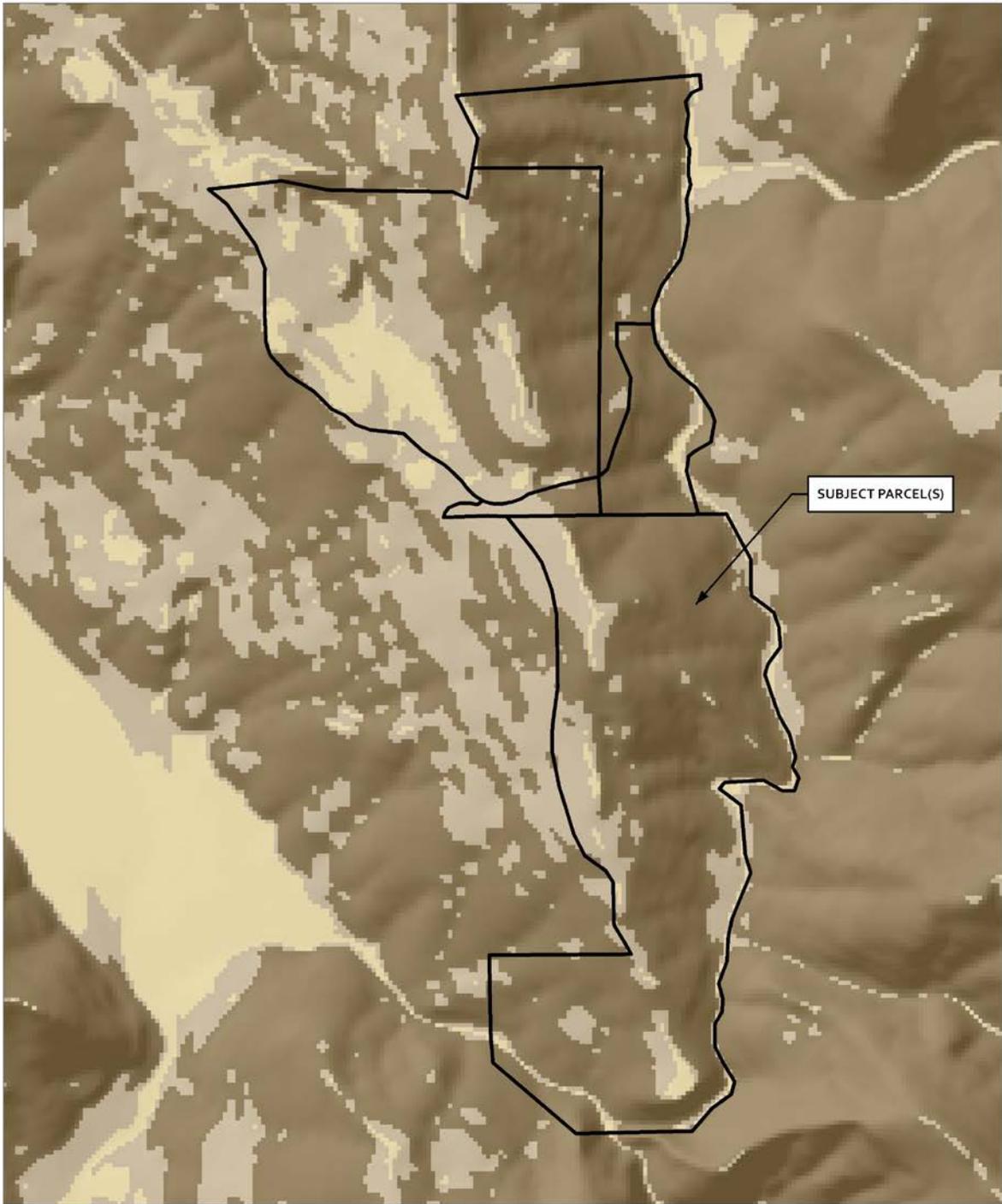
 State Responsibility Areas



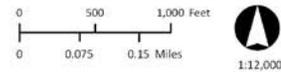
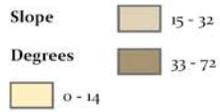
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FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
SANEL VALLEY FIRE DISTRICT (PORTION)

Map produced by the Mendocino County Planning & Building Services, January, 2015  
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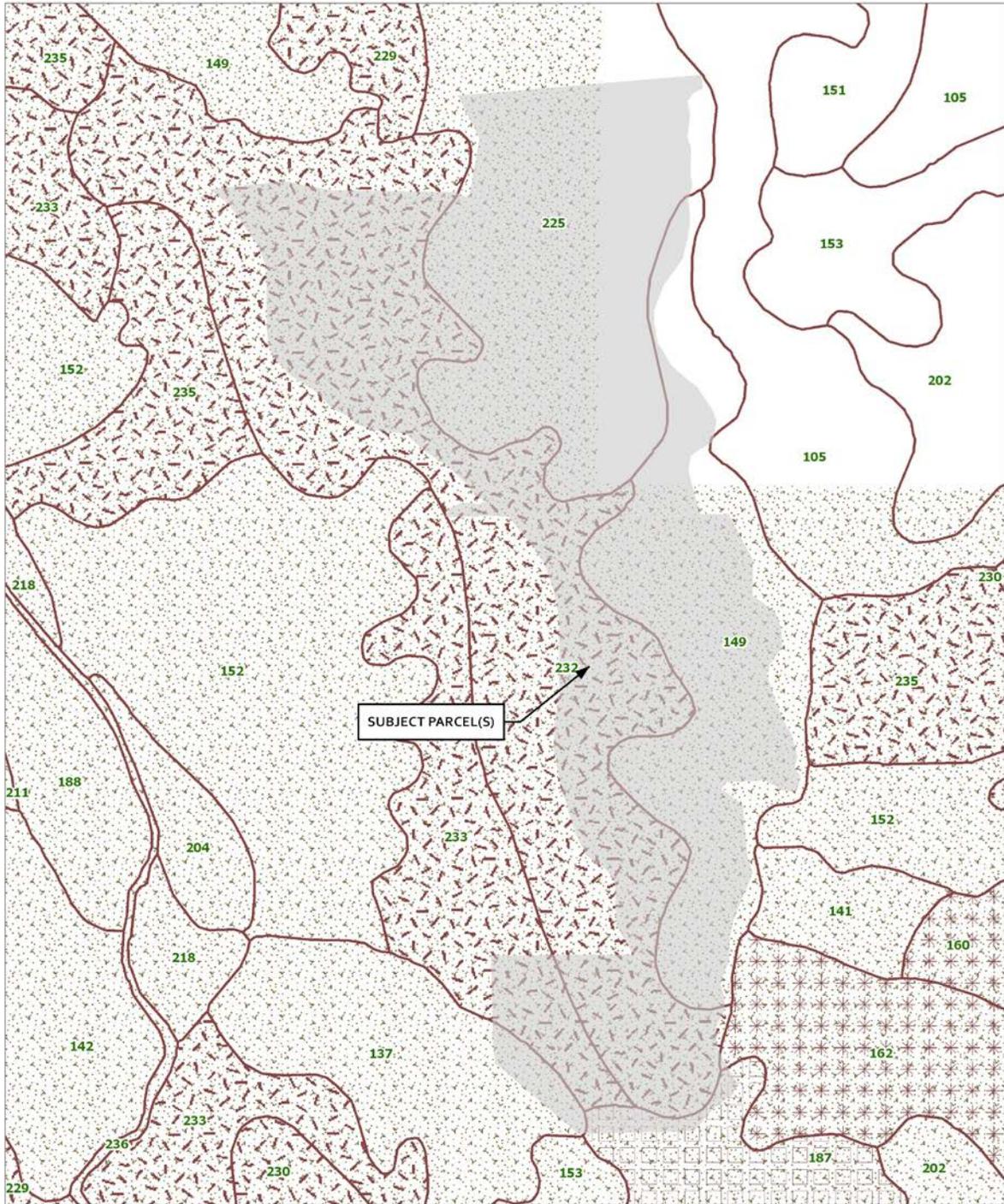


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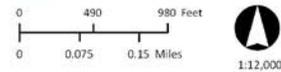
ESTIMATED SLOPE

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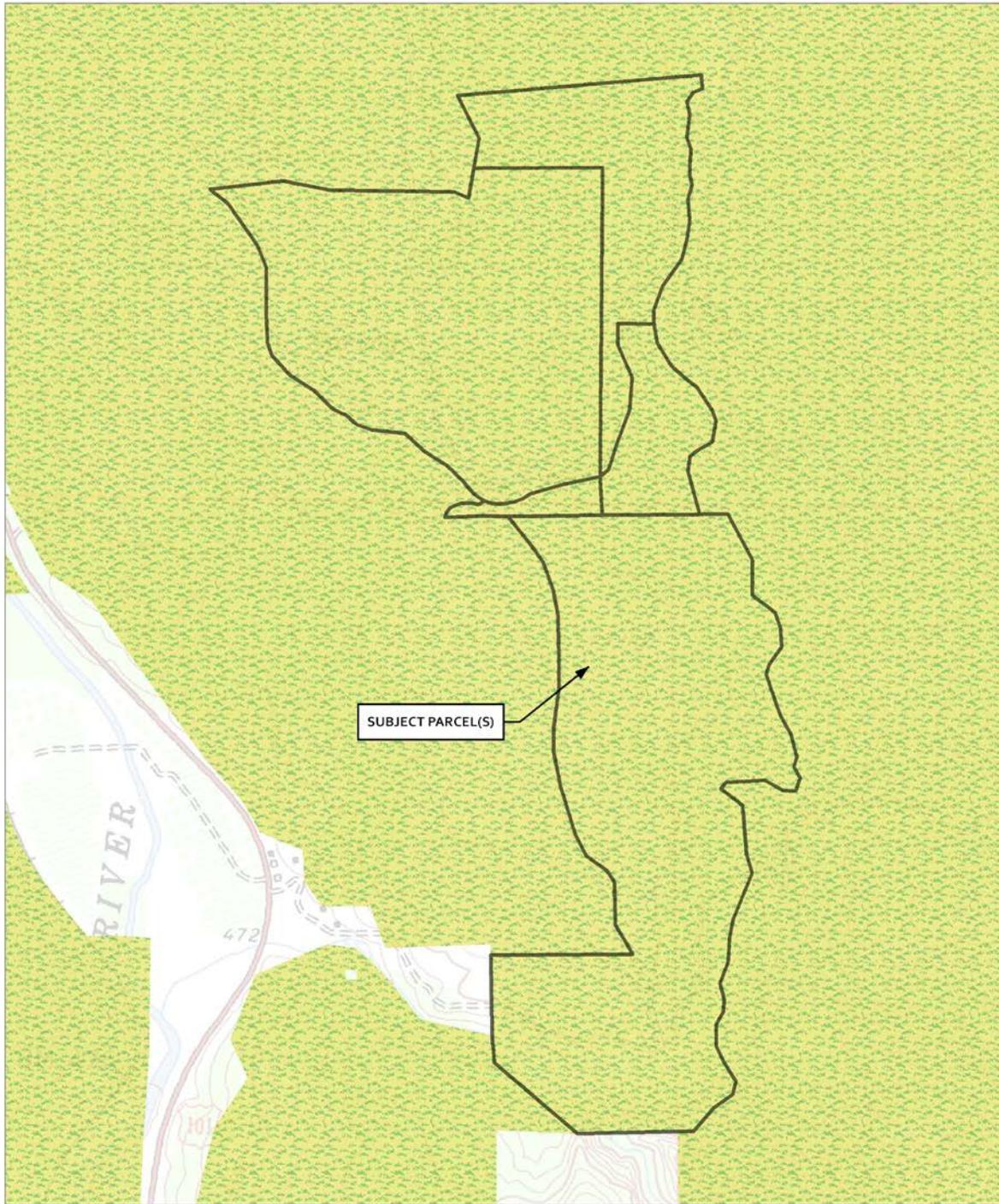
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-  Eastern Serpentine Inclusions
-  Eastern Rock Inclusions
-  Eastern Rock Outcrops
-  Naturally Occuring Asbestos



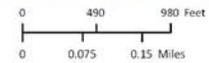
LOCAL SOILS

Map produced by the Mendocino County Planning & Building Services, January, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



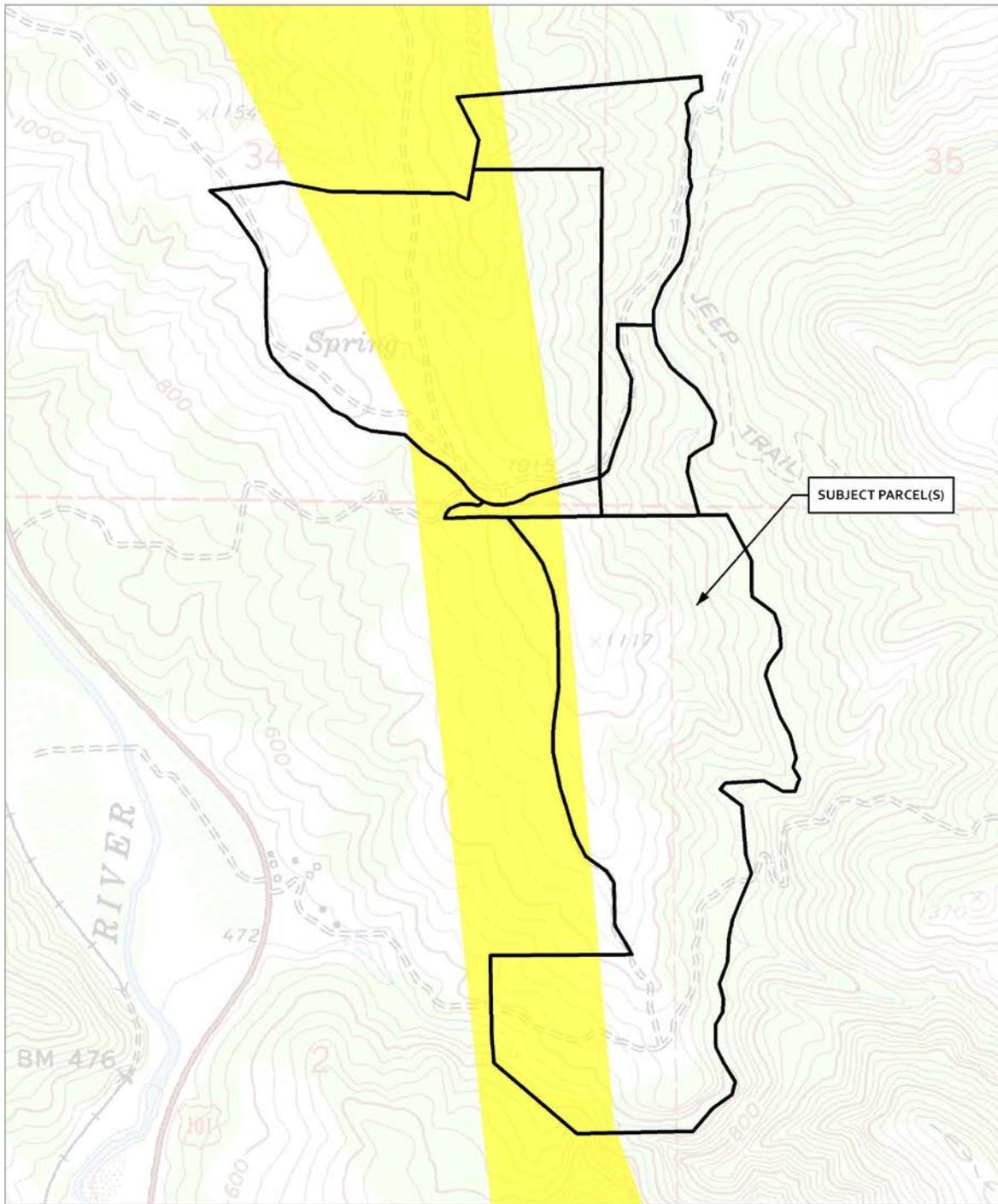
CASE: UR 28-1986(2012)  
OWNER: THOMAS, Daniel & Becky  
APN: 050-180-64, et. al.  
APLCT: Daniel Thomas  
ADDRESS: 17051 S. Hwy. 101, HO

 Williamson Act 2014  
 Non-Prime Ag 2014



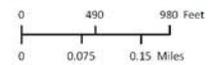
LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, January, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



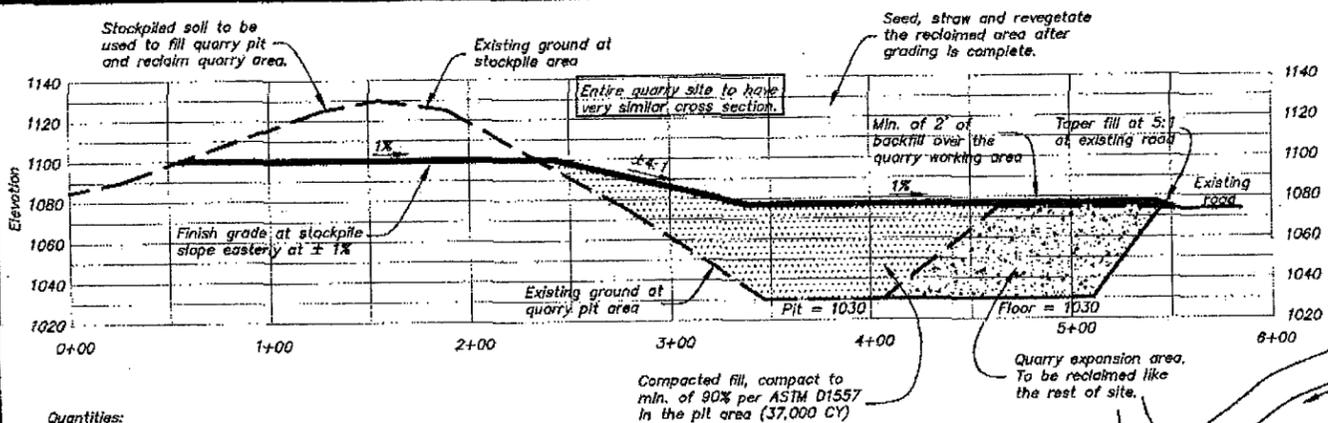
CASE: UR 28-1986(2012)  
OWNER: THOMAS, Daniel & Becky  
APN: 050-180-64, et. al.  
APLCT: Daniel Thomas  
ADDRESS: 17051 S. Hwy. 101, HO

 Alquist-Priolo Fault Zone



1:12,000

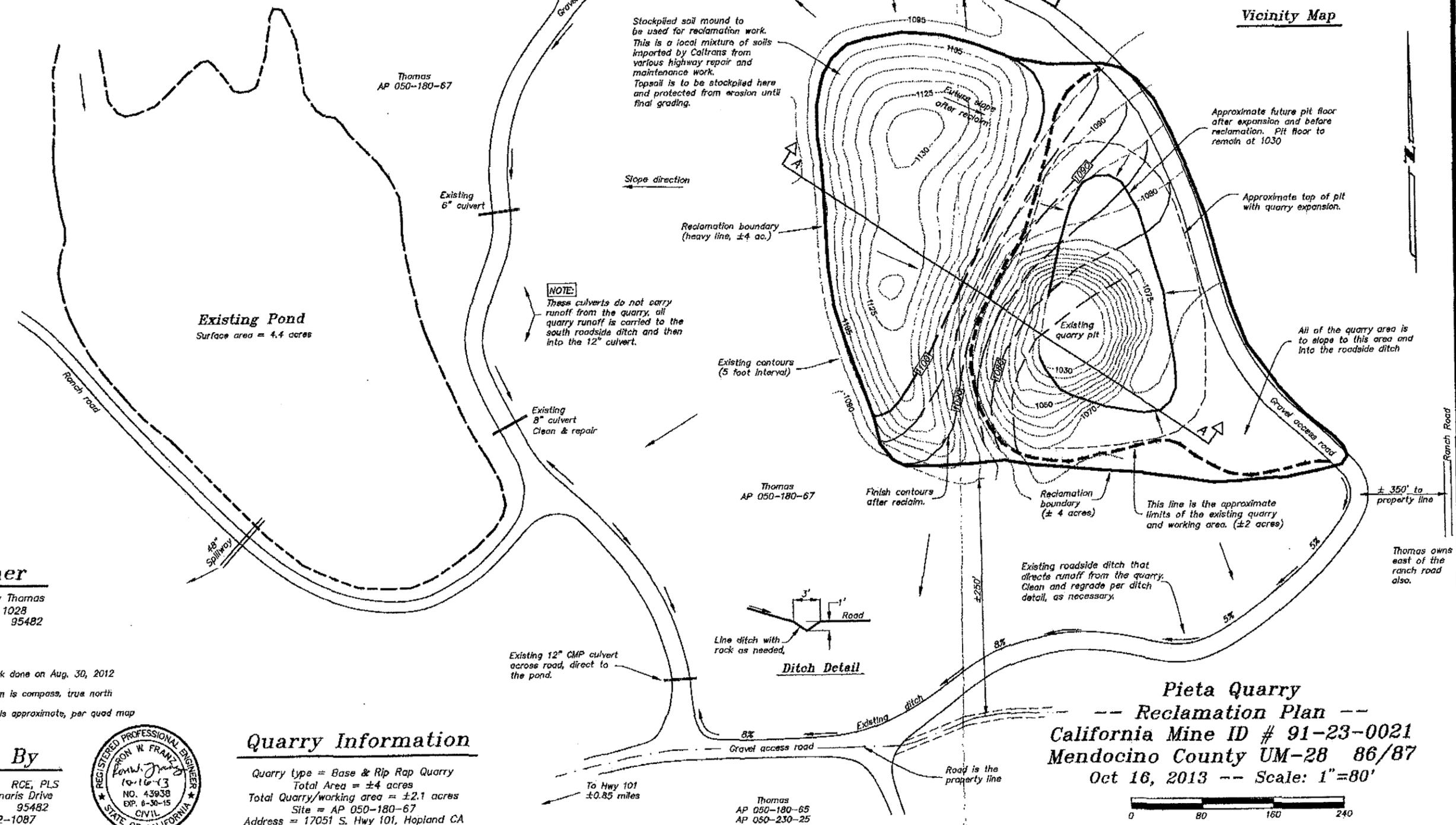
FAULT ZONES



Quantities:  
± 48,000 CY of the stockpiled soil to be used to fill and reclaim the quarry pit and quarry area.

**Cross Section A-A**

**Vicinity Map**



**Owner**  
Dan & Becky Thomas  
P.O. Box 1028  
Ukiah, CA 95482

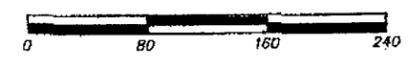
Field survey work done on Aug. 30, 2012  
Horizontal datum is compass, true north  
Vertical datum is approximate, per quad map

**Map By**  
Ron W. Franz RCE, PLS  
2335 Appolinaris Drive  
Ukiah, CA 95482  
707-462-1087



**Quarry Information**  
Quarry type = Base & Rip Rap Quarry  
Total Area = ±4 acres  
Total Quarry/working area = ±2.1 acres  
Site = AP 050-180-67  
Address = 17051 S. Hwy 101, Hopland CA

**Pieta Quarry**  
-- Reclamation Plan --  
California Mine ID # 91-23-0021  
Mendocino County UM-28 86/87  
Oct 16, 2013 -- Scale: 1"=80'



**PROPOSED MITIGATED NEGATIVE DECLARATION INITIAL STUDY FOR  
USE PERMIT AND RECLAMATION RENEWAL UR 2012-0004  
MARCH 19, 2015**

**PROJECT TITLE:** UR\_2012-0004 (PIETA QUARRY RENEWAL)

**LEAD AGENCY:** DEPARTMENT OF PLANNING AND BUILDING SERVICES  
860 NORTH BUSH STREET  
UKIAH, CA 95482

**CONTACT:** SCOTT PERKINS, PROJECT COORDINATOR  
707-964-5379

**LOCATION:** 4± miles southwest of Hopland, lying 0.75± miles east of Highway 101 along a private ranch road near post mile marker 6.74 (APN 050-180-64, 050-180-65, 050-180-66, 050-180-67, 050-220-13).

**OWNER/APPLICANT:** DANIEL AND BECKY THOMAS  
PO BOX 1028  
UKIAH, CA 95482

**GENERAL PLAN:** Rangeland (RL)

**ZONING:** Rangeland (RL)

**PROJECT DESCRIPTION:** The applicant is proposing to continue mining operations (extraction and processing) at the existing site for a period of twenty-five (25) years. The request does not propose an increase in extraction and processing volumes. The maximum volumes of material extracted would not exceed 500,000 CY over the twenty-five (25) year period, with a maximum extraction of 50,000 CY in any single year. Existing access will be maintained.

The proposed Reclamation Plan would reclaim the site over two phases moving from the southwestern portion of the site towards the northern slopes and floor. The proposed end use of the quarry is for cattle grazing consistent with the surrounding ranching operation of the property owner. Phase 1 of the reclamation will address slopes at final grade and the project floor within the southwestern section of the project area. Through the extraction process, cut slopes will be brought near or to the final grade. Areas to be reclaimed will be prepared and revegetated. Phase 2 will address the remainder of the site, involving revegetation and re-grading of slopes and the project floor. Following completion of extraction activities, all roads and any compacted areas will be scarified prior to revegetation, with the exception of roads used for the existing rangeland use. If determined to be necessary, straw wattles or other erosion control methods will be implemented to control short-term erosion. All equipment will be portable and will be removed from the site prior to final reclamation. This includes all mobile equipment, such as loaders, dozers, haul trucks, storage vans and water trucks. All surplus equipment and supplies utilized for the mining operation will be transported offsite.

**SETTING:** The property is located approximately four (4) miles southwest of Hopland, lying approximately 0.75 miles east of Highway 101. The quarry is surrounded by active cattle ranches, and sits approximately 800 feet west of a creek, alternatively named Coleman Creek and Vasser Creek. The operation is not visible from Highway 101. The nearest residence is located one (1) mile from the quarry.

**OTHER APPROVALS REQUIRED:** Mendocino County Air Quality Management District (AQMD)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

<b>DATE: October 10, 2014</b>
<b>Environmental Checklist.</b>
<p><i>“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SCOTT PERKINS  
PLANNER I

**1. Aesthetics:**

<p align="center"><u>I. AESTHETICS.</u></p> <p>Would the project:</p>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project location, along with any heavy equipment or machinery, is not visible from any public vantage points, nor is it visible from any surrounding residences. Approval of the requested renewal would allow for no additional acreage of disturbance, and the operation would be reclaimed (re-sloped and re-vegetated) to match the surrounding ranching operation setting. Reestablishment of the site's former uses for cattle grazing will not substantially degrade the visual character of the site or its surroundings. As a result, and because there are no public views of the project, visual impacts would be less than significant. No mitigation is required.

**2. Agricultural/Forestry:**

<p align="center"><u>II. AGRICULTURE AND FORESTRY RESOURCES</u></p> <p>Would the project:</p>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As noted above, other uses of the property include a working cattle ranch. The property lies within an Agricultural Preserve under a Williamson Act Contract which has remained active and in compliance since prior to approval of the original use permit and reclamation plan in 1986. The overall mining site comprises less than three percent of the larger ranching operation and is considered compatible with the agricultural enterprise per Section 22.08.080 of the County Code (with this major use permit). The project was referred to the County Farm Advisor, Agricultural Commissioner and Resource Lands Protection Committee, and each either provided no comments or recommended approval. The mining operation would continue to share interior ranch roads with these other uses with no interference expected due to the relatively small volumes of material under consideration. Overall, impacts are not expected to be significant with respect to agriculture in the area. No mitigation is required.

**3. Air Quality:**

<p align="center"><u>III. AIR QUALITY</u></p> <p>Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with or obstruct implementation of any applicable air quality plan?</p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input checked="" type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input checked="" type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>
<p>c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input checked="" type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input checked="" type="checkbox"/></p>
<p>e) Create objectionable odors affecting a substantial number of people?</p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input type="checkbox"/></p>	<p align="center"><input checked="" type="checkbox"/></p>

The proposed project has the potential to result in impacts to air quality in the region including fugitive dust emissions from the removal of overburden, grading, removal of topsoil, excavation, blasting and processing activities. Also included are combustion emissions from the operation of heavy off-road equipment and truck haul trips. The project would be a continuation of an entitlement that was obtained in 1986 with the operator having remained in substantial compliance with air quality permitting requirements throughout the life of the operation to date. Air quality related impacts are regulated through Air Quality Management District (AQMD) permitting requirements. Comments received from the District stated that the operator was current with the required permits with no known compliance issues.

The quarry is located in a mapped area of concern for Naturally Occurring Asbestos (NOA) and subject to state regulations enforced by the Mendocino County AQMD. Per **Condition 1**, prior to resuming extraction and processing practices at the quarry, a letter shall be provided to Planning and Building Services from AQMD that the quarry is in compliance with all permitting requirements and regulations related to fugitive dust emissions and potential NOA relating to the project. This condition will help to ensure potential impacts conflicting with air quality plans and standards will be less than significant.

The project is located well within an approximately 350 acre ranch, surrounded by similarly rural and agricultural land uses. The nearest residences (sensitive receptor) is located one mile from the quarry. No impact resulting from objectionable odors or exposure of pollutants to sensitive receptors will occur.

4. Biological Resources:

<p><u>IV. BIOLOGICAL RESOURCES</u></p> <p>Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

Reclamation of the project area calls for re-vegetation with “a diverse vegetation community mix on the reclaimed landscape that will integrate with the surrounding communities on undisturbed lands,” which coincides with the proposed end use as cattle grazing rangeland.

The Natural Diversity Database, maintained by California Department of Fish and Wildlife, inventories the status and locations of rare plants and animals in California. The database indicates the potential for Colusa layia (*Layia septentrionalis*) more than 1,000 feet to the east of the quarry, and pallid bat (*Antrozous pallidus*) approximately one half mile to the south of the quarry. The presence of Foothill yellow-legged frog (*Rana boylei*) is indicated along Pieta Creek, over one half mile south of the quarry. No vegetation removal is proposed with the renewal of this use permit, as all proposed extraction activities are to occur within the boundaries of the existing operation.

No comments were received from the California Department of Fish and Wildlife upon referral. With the nearest watercourse located approximately 800 feet to the east, quarry related runoff has been maintained onsite throughout its twenty-five (25) years of operation with adequate buffers and properly graded floor areas further

preventing sediment from impacting the watercourse. The distance of rare plants or animals from the quarry (greater than 1,000 feet away) limit any potential impact to levels that are less than significant. Overall, impacts from the project are expected to be held to a less than significant level.

**5. Cultural Resources:**

<p><u>V. CULTURAL RESOURCES</u></p> <p>Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>c) Directly or indirectly destroy a unique geologic feature?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>d) Disturb any human remains, including those interred outside of formal cemeteries?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>

The project site has been utilized for mining activities subject to a use permit (#U 1986-0028) since 1986, and the project area and its surroundings have been historically heavily impacted by cattle grazing, which remains an existing use surrounding the quarry. Although the operation is proposed to continue within the boundaries of the existing quarry, there remains the possibility of discovery during excavation and operations. County Code Sections 22.12.090 and 22.12.100 (Discovery Clause) would continue to apply in the event that archaeological resources are encountered during any future excavation operations, and compliance with these code sections is required by **Condition 2**. No further mitigation is required.

**6. Geology and Soils:**

<p><u>VI. GEOLOGY AND SOILS</u></p> <p>Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p>				
<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>ii) Strong seismic ground shaking?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>iii) Seismic-related ground failure, including liquefaction?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>iv) Landslides?</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>

result of the project, and potentially result in in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As noted, the applicant is proposing to continue mining operations (extraction and processing) at an existing site for a period of twenty-five (25) additional years. The boundary of the operation would remain constant. Extraction and processing volumes would remain, with a maximum of 50,000 CY per year. Overall, the maximum volumes of material extracted would not exceed 500,000 CY over the twenty-five (25) year period.

Reclamation of the site would occur over two phases with an end use proposed for cattle grazing, which is consistent with the surrounding ranching operation of the property owner. Phase 1 of the reclamation will address slopes at final grade and the project floor within the southwestern section of the project area. Through the extraction process, cut slopes will be brought near or to the final grade. Areas to be reclaimed will be prepared and re-vegetated. Phase 2 will address the remainder of the site, involving revegetation and re-grading of slopes and the project floor. Following completion of extraction activities, all roads and any compacted areas will be scarified prior to revegetation, with the exception of roads used for the existing rangeland use. If determined to be necessary, straw wattles or other erosion control methods will be implemented to control short-term erosion. All equipment will be portable and will be removed from the site prior to final reclamation. This includes all mobile equipment, such as loaders, dozers, haul trucks, storage vans and water trucks. All surplus equipment and supplies utilized for the mining operation will be transported offsite.

**Condition 3** requires that the reclamation plan include a requirement for a registered professional engineer or geologist to oversee grading activities related to construction of final slopes to ensure that the slope design is being implemented as recommended. Overall, impacts are not expected to reach a level of significance in this area. No further mitigation is required.

**7. Greenhouse Gas Emissions:**

<u>VII. GREENHOUSE GAS EMISSIONS</u> Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Production of greenhouse gases (GHG) as a result of the project will mainly come from the transportation of materials to and from the facility and the associated emission from heavy vehicles and processing equipment. Activities at the site will be subject to County Air Quality Management District (AQMD) regulations through a Permit to Operate issued by that agency. Given the relatively remote nature of the property and the local region it would likely serve, the project is not expected to significantly increase GHG in the area.

To quantify the GHGs for this project, a comparison analysis was made with the Kunzler Terrace Mine Project, for which an EIR was certified in 2010. That project is located approximately one mile south of Ukiah in Mendocino County. The analysis was for a rock quarry operation with a maximum limit of 250,000 CY per year, which included extraction, processing and hauling. The calculated GHG emissions for the Kunzler project totaled 2,056 metric tons per year of CO<sub>2</sub>, which is below the threshold of significance advised the Mendocino AQMD of 4,000 metric tons per year. Based on a comparative ratio, assuming a maximum extraction of 50,000 CY per year, this project will emit approximately 411.2 metric tons per year of CO<sub>2</sub>, or less than eleven (11) percent of the advised threshold of significance. Therefore, impacts resulting from the project would be less than significant.

**8. Hazards and Hazardous Materials:**

<p><u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Approval of the project has the potential to result in certain hazards related to the mining operation. Materials used for occasional blasting purposes or fuels and lubricants used for the operation of heavy equipment should not be stored onsite. **Condition 7** is intended to reduce the impact of hazardous materials to a level less than significant by requiring offsite storage of hazardous materials. Potential fire hazards would also be rare depending on seasonal fire rating levels and availability of fire prevention services. **Condition 5** requires provisions for a water truck when equipment is used during “high,” “very high” or “extreme” fire danger levels, as well as notice to the local Hopland Fire Protection District prior to blasting activities during similar periods of fire danger levels. **Condition 6** requires that all non-turbo charged equipment shall have approved spark arrestors installed and shall carry “ABC” type fire extinguisher(s). These conditions are recommended to ensure that the potential for these and other such hazards are held to a minimum. No additional mitigation is required.

**9. Hydrology and Water Quality:**

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The quarry site is located within the Russian River watershed, draining mainly into tributaries of Cumiskey Creek and Pieta Creek, which ultimately empty into the Russian River. The quarry is located approximately 1,000 feet from the nearest stream (Pieta Creek) and approximately 3,000 feet from the Russian River. The quarry area slopes to the southeast and into an existing roadside ditch along the north side of the access road. The ditch flows westerly and into an existing twelve (12) inch culvert. The area west of the quarry is in a natural state and flows west and eventually into the existing 4.4 acre sediment pond.

The application was referred to the Office of Mine Reclamation (OMR), the Mendocino County Water Agency (MCWA), and the Regional Water Quality Control Board (RWQCB) for review. Representatives from OMR and MCWA visited the project site on January 16, 2013, prior to contributing comments. In a letter dated January, 24, 2013, OMR requested that the applicant revise the reclamation plan to include sizing calculations for the stormwater drainages, the culverts and the sediment pond (size and outlet). An engineer, on behalf of the applicant, submitted drainage calculations on July 30, 2013 in response to the OMR request. These calculations, within the proposed Reclamation Plan, demonstrate the design's ability to retain up to a twenty (20) year, one (1) hour storm event, meeting requirements of the California Surface Mining and Reclamation Act (3706(d)).

In a letter dated February 4, 2013, MCWA supplied comments regarding the project's erosion and runoff design. MCWA wrote that "the site is in generally good condition and is well vegetated," but requested that areas of the roadside ditch that have eroded be repaired, stockpiles be protected from erosion by wattles, and revisions be made to the reclamation plan to more accurately depict the existing runoff facilities. **Condition 4** is recommended, requiring the applicant to comply with the recommendations of MCWA prior to resuming extraction and processing operations at the quarry.

With the implementation of the recommended condition, no significant impacts are expected to result from renewal of the subject entitlement with respect to water quality or quantity.

**10. Land Use and Planning:**

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The property is designated Rangeland by the General Plan and is similarly zoned Rangeland (RL). Additionally, the property lies within an Agricultural Preserve (Agricultural Preserve Number 0336) as an active ranching operation. Development Element Policy DE-17 of the General Plan lists “General Uses” under the Rangeland category as those “related to and compatible with ranching, conservation, processing and development of natural resources, recreation and utility installations.” With regard to Agricultural Preserves, Resource Management Policy RM-108 states that “discretionary projects shall not undermine the integrity and economic viability of agricultural operations...” Mining and Processing uses are conditionally permitted in the Rangeland zoning district subject to a major use permit (Section 20.060.025(E)) and also on “Lands Within the Rangeland District” under an agricultural preserve contract (Section 22.08.080(C)(3)). Both the mining operation and agricultural activities have co-existed on the property since 1986 with no known or reported conflict. Continued mining activities would be consistent with provisions of the General Plan and are not expected to result in any adverse impacts to either zoning or resource preserve integrity. No mitigation is required.

**11. Mineral Resources:**

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The availability of mineral resources would not be impacted by the continued maximum extraction of 500,000 CY over a twenty-five (25) year period. According to application materials, “it is unknown if there are more minerals

that can be extracted within the reclamation boundaries but reclamation of the site will have no impact on future mining operations.” No significant impacts are expected and no mitigation is required.

**12. Noise:**

<p align="center"><u>XII. NOISE</u></p> <p align="center">Would the project result in:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The quarry site is situated well within the boundaries of an approximately 350 acre ranch property with stands of tall trees and topography shielding the site from public roadways and neighboring properties. The nearest residence is approximately one (1) mile from the quarry, and the next closest dwellings are almost two (2) miles from the quarry. Section 22.16.070(J) of the County Surface Mining Ordinance requires that noise levels measured at the nearest residence not exceed sixty-five (65) dBA for a cumulative period more than thirty (30) minutes in any hour and eighty-five (85) dBA at any moment.

According to information provided in an environmental initial study for the Tunzi Ranch Quarry (UR 46-1991(12)) prepared by Uma Hinman Consulting in 2012, noise readings for similar aggregate plants are below this threshold at 600 feet from the source with a decrease of approximately six (6) dBA when the distance from the source is doubled.

Truck loading would also meet these standards for the nearest residential receptor at approximately one (1) mile from the source. Overall, the project would not exceed the levels of activity in existence since approval of the 1986 operation which has not resulted in any conflicts with neighboring property owners. **Condition 8** will help to

ensure that the renewal of the operation does not exceed allowable noise thresholds. As a result, impacts are not expected to be significant in this area.

**13. Population and Housing:**

<u>XIII. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Population growth and/or impacts to existing or future housing will not be impacted by the project. No mitigation is required.

**14. Public Services:**

<u>XIV. PUBLIC SERVICES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The application was referred to the California Department of Forestry and Fire Protection (CalFire) who did not return comments. Based on the existing nature of the operation, an increase in fire protection or other services beyond a significant level is not anticipated. No mitigation is required.

**15. Recreation:**

<u>XV. RECREATION.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Use of the existing 350 acre ranch or any other surrounding areas would not be affected by approval of the project. No mitigation is required.

**16. Transportation/Traffic:**

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

dangerous intersections) or incompatible uses (e.g., farm equipment)?				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Based on the maximum extraction volumes, the project is not expected to generate significant amounts of new traffic along Highway 101. Based on the application materials, quarry operations are sporadic, with the last production of material occurring in 2009. The lack of constant operation reduces the impact of truck trips on daily traffic flows.

Comments received from the County Department of Transportation (DOT) recommended approval without further comment. Caltrans did not provide recommendations or feedback. No significant impacts are expected and no further mitigation is required.

**17. Utilities and Service Systems:**

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impacts to existing or future utilities and service systems in this remote region of the County are not expected to result from the project. Comments received from the County Division of Environmental Health (DEH) recommended approval without further comment. No mitigation is required.

**18. Mandatory Findings of Significance:**

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potential environmental impacts from the renewal of the existing permit have been analyzed in this document and mitigation has been included that ensures impacts can be held to a less than significant level. Individual impacts from the project will not significantly contribute to cumulative impacts in the area. Overall, no significant environmental impacts are anticipated which cannot be adequately mitigated by the recommended conditions of approval. Therefore, a Mitigated Negative Declaration is recommended.

**DRAFT CONDITIONS OF APPROVAL:** Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

1. The applicant shall provide to Planning and Building Services a copy of the AQMD letter demonstrating that the quarry is in compliance with all regulations of the Mendocino County Air Quality Management District, including obtaining any required permits necessary for the site of this application..
2. In the event that archaeological resources are encountered during operation activities at the site, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
3. A registered professional engineer or geologist shall review the slopes every five (5) years or when the grading is within 100 feet of the final slope configuration for each phase, whichever is sooner, to confirm

the slope criteria is met and stable, and report the findings to the Department of Planning and Building Services.

4. Prior to operation, the applicant shall produce written confirmation from the Mendocino County Water Agency that the following conditions, as recommended in a letter from the Water Agency on February 4, 2013, have been satisfied:
  - a. Damage to ditches and berms along the access road require shall be repaired to prevent erosion.
  - b. The gravel and reground asphalt stockpiles should be protected from erosion by, for example, wattles secured around the perimeter of the stockpile.
  - c. Damage to culverts draining into the sediment pond shall be repaired or replaced.
5. During "high," "very high," or "extreme" fire danger rating levels, the operator shall have a water truck on standby during use of equipment at the quarry. Also during these rating levels, the operator shall provide notice to the Comptche Volunteer Fire Department a minimum of 24 hours prior to blasting activities.
6. All non-turbo charged equipment shall have approved spark arrestors installed and shall carry "ABC" type fire extinguisher(s).
7. There shall be no on-site fuel storage in association with this project.
8. The hours of operation of the quarry shall be limited to between 7 a.m. and 6 p.m. Noise levels created by the operation as measured at the nearest residence other than that of the mine owner or operator shall not exceed the following:
  - a. 65 dBA for a cumulative period of more than 30 minutes in any hour.
  - b. 70 dBA for a cumulative period of more than 12 minutes in any hour.
  - c. 75 dBA for a cumulative period of more than 3 minutes in any hour.
  - d. 80 dBA for a cumulative period of more than 1 minute in any hour.
  - e. 85 dBA at any moment.
10. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on **March 19, 2040**. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.
11. All recommendations made within the Pieta Quarry Reclamation Plan prepared by Thomas and Franz shall be considered conditions of approval for the subject use permit and reclamation plan. The final reclamation and re-vegetation of the site shall be done in conformance with the said plan.
12. The rock quarry extraction operation shall not exceed 500,000 cubic yards (CY) of rock, and a maximum annual limit of 50,000 CY per year.
13. Annually, prior to July 1st, the applicant shall supply to the Department of Planning and Building Services an accounting of the quantities and types of materials extracted and/or processed from each location that season. The accounting report shall indicate the dates on which the specified volumes were removed, the method used to calculate the volume figures and the signature of the person responsible for completing the report. Such report shall be submitted even if no material was removed that season.
14. The applicant shall submit the appropriate mining inspection and monitoring fee to the Department of Planning and Building Services within 30 days of approval, and on an annual basis until the mine is fully reclaimed. Fee estimates are calculated yearly and may change over the course of the entitlement.
15. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,260.00 shall be made payable to the Mendocino County

Clerk and submitted to the Department of Planning and Building Services prior to **April 3, 2015**. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.

16. Prior to any change of operators, the applicant shall notify the Department of Planning and Building Services 30 days prior to extraction. The applicant shall provide an accounting of all materials mined by each operator. Any change in operators shall not exempt the applicant/operators from providing required monitoring information.
17. The applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
18. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
19. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance. Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.
20. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
21. A copy of the reclamation plan and grading plan shall be kept on site at all times.
22. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.
- 23a. The applicant shall provide Mendocino County with a cash or surety bond or other acceptable form of financial assurance for the reclamation plan mitigation measures. The bond shall be available to both the County of Mendocino and the Department of Conservation. Any withdrawals made by the County or Department of Conservation for reclamation shall be re-deposited by the applicant within 30 days of notification.

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

The security bond is not set up to replace the applicant's responsibility for reclamation or mitigation, but to assure funding for the reclamation plan and mitigation measures. Should the applicant fail to perform or operate within all the requirements of the approved reclamation plan, the County or Department of Conservation will follow the procedures outlined in Section 2773.1 and 2774.1 of the Surface Mining and Reclamation Act (SMARA), regarding the encashment of the bond and applicable administrative

penalties, to bring the applicant into compliance. The requirements for the bond will terminate when the approved reclamation plan and mitigation measures have been completed.

- 23b. Implementation and Verification. The financial assurance shall name both the County and the Department of Conservation as payees per the requirements of AB 3551. The amount will be based on an estimate of reclamation cost provided by the applicant and subject to review by both County staff and Counsel and the Department of Conservation. The financial assurance will be reviewed on an annual basis for adequacy and shall be released when the approved project, mitigation measures and final reclamation plan activities have been completed.
- 24. Pursuant to Section 2772.7 of the California Public Resources Code, the applicant/operator shall have recorded with the County Clerk, a "Notice of Reclamation Plan Approval" that shall include:
  - a. A statement that "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the County of Mendocino, a copy of which is on file with County Department of Planning and Building Services," and;
  - b. A legal description of the property subject to the said reclamation plan.

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
County Dept. of Transportation		X	
Environmental Health		X	
Building Inspection		X	
Assessor	X		
Farm Advisor	X		
Agricultural Commissioner		X	
Air Quality Management District		X	
County Water Agency			X
Resource Lands Protection Committee		X	
Caltrans	X		
Department of Forestry / CALFIRE	X		
Department of Fish and Wildlife	X		
North Coast RWQCB	X		
Department of Conservation			X