

EXHIBIT D – Conditions of approval for Hanson Conditional Use Permit DRC2011-00098

The following conditions are listed by category or issue area. Exhibit G includes the Proposed Project's Mitigation Monitoring Plan, which identifies when monitoring is required for environmental conditions, as well as which public agencies will be involved. The term "Applicant" is currently referring to Hanson Aggregates Mid-Pacific. However, "Applicant" shall also refer to any successor in interest for the life of the Proposed Project.

APPROVED DEVELOPMENT

1. This approval authorizes expansion of the existing quarry and reclamation activities, which are detailed as follows:

- a. Quarry Expansion – Hanson Aggregates Mid-Pacific (Applicant) is applying for a modification to an existing Conditional Use Permit (CUP) and seeking approval for a Reclamation Plan Amendment (RPA) to expand the existing operations of the Santa Margarita Quarry, located approximately three miles northeast of the community of Santa Margarita. The quarry is a hard-rock aggregate mining facility located in an unincorporated area of San Luis Obispo County, and is identified as California State Mine Number 91 40 0003. Figure 2.1 1 provides a regional map of the quarry's location.

The Applicant proposes to expand the existing boundaries of the quarry by an estimated 33 acres, thereby enlarging the "footprint" of the quarry from 160.1 acres to 193.1 acres. The proposed expansion would yield approximately 21.5 million tons of aggregate reserves. These reserves, in combination with existing entitled reserves, would result in the quarry producing 33.2 million tons of aggregate products over a 59 year period.

- b. RPA Amendment – Proposed reclamation activities would be initiated in those areas of the quarry that have been depleted of resources in a manner concurrent to on-going mining operations. All proposed reclamation activities would be fully completed within five years of resource depletion (e.g., five years after mining activities have stopped). Lands within the quarry would be reclaimed to open space uses, including seasonal water storage, riparian habitat, oak woodland habitat and chaparral vegetation. Based upon the above, the Proposed Project is defined as all mining operations associated with the proposed 33 acre expansion area and reclamation of the entire quarry site, as expanded. The full 193.1 acre site is referred to as either the Proposed Project area, or Proposed RPA area.
- c. Applicant Proposed Measures – The full list of Applicant Proposed Measures (APMs) is provided in Exhibit I, and are considered a part of the project and shall be implemented. As some of these APMs have been replaced by modified or substituted measures that have been incorporated into specific Conditions of Approval, should any of the APMs conflict with any Conditions of Approval, the Conditions of Approval shall apply and the APM shall be considered rejected.

The description of the Proposed Project in the Draft EIR Section 2 provides greater detail that shall also be used to guide construction-level development.

2. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project unless the condition relates solely to pre- construction and construction activities and must be satisfied prior to obtaining a construction permit. Failure to comply with these conditions of approval may result in an

immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

3. The project site includes an existing asphalt batch plant that has been determined to be a legal nonconforming use. To avoid a prohibited expansion of a legal nonconforming use, as defined by Section 22.72.050 of the Ordinance, the asphalt batch plant is prohibited from processing materials extracted from within the 33-acre expansion area without a new or amended use permit for the asphalt plant. The operator may continue in the interim to operate the asphalt batch plant until the operator enters into the expansion area as determined below:
 - a. Within 30 days of the project approval, the operator shall submit calculations, prepared and stamped by a licensed engineer, estimating the volume of aggregate material present in the preexisting permitted area (excluding the 33-acre expansion area).
 - b. The operator shall thereafter track, on an annual basis, the volume of material extracted from the quarry each year, and the cumulative volume extracted since project approval. The operator shall annually record both the annual volume and cumulative extraction volumes.
 - c. The operator shall be deemed to have entered into the 33-acre expansion area when the total volume of aggregate material cumulatively extracted, as determined under (b), equals the estimated volume of material within the preexisting permitted area.
4. **Prior to entering a new area**, the Applicant shall obtain a Notice to Proceed from the Department of Planning and Building and provide the necessary studies / surveys / documentation to verify compliance with all necessary conditions.

GENERAL

5. **Within ten (10) days of approval of the Project**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, to provide for the defense and indemnity of the County for any claims, injury, liability, loss, costs, attorney's fees, expenses, or damages sought by third parties from the County alleged to have arisen directly or indirectly out of, or in any way associated with, any of the approvals, environmental review, or other actions taken in connection with the Project.

Fees

6. **Establish the Salinas River Trail easement dedication. Prior to issuance of a Notice to Proceed for the Proposed Project's Final Reclamation Phase (Phase V)**, the Applicant shall record an irrevocable offer to dedicate a trail easement that is a minimum width of 10 feet, in a location consistent with the Parks and Recreation Element for the Salinas River Trail, and in a form approved by County Counsel and the Director of the Department of Parks and Recreation.

Site Development

7. All development shall be consistent with the final approved RPA.

Other Agency Review

8. **Prior to issuance of a Notice of Proceed or any quarry phase**, the Applicant shall demonstrate to the County that the following agencies have reviewed, or been consulted with regarding, the portion of project plans applicable to their respective jurisdictions, with any agency requirements shown on all applicable plans:
 - a. County Air Pollution Control District
 - b. County Public Works
 - c. California Department of Conservation, Office of Mine Reclamation
 - d. Regional Water Quality Control Board
 - e. California Department of Fish and Wildlife
 - f. California Department of Transportation
 - g. U.S. Army Corp of Engineers

Reclamation Plan Amendment

9. **Within 60 days of permit approval**, the Applicant shall submit a final Reclamation Plan Amendment for review and approval by the Department of Planning and Building and Department of Conservation, Office of Mine Reclamation (OMR). The final Reclamation Plan Amendment shall include a signed Statement of Responsibility and shall incorporate the following:
 - a. Any changes needed to give effect to the project's conditions of approval or adopted mitigation measures. The a
 - b. A geotechnical report demonstrating that the upper portion of the North Sector wall (cross section D) is stable and exceeds the appropriate factors of safety under saturated conditions.
 - c. The final plan shall note that all topsoil stockpiles shall be clearly signed in the field to prevent inadvertent use.
 - d. The final plan shall specify the number of trees and/or acreage of oak woodland that must be established as mitigation identified in the project's EIR.
 - e. The final plan shall revise the revegetation performance standards set forth in Section 4.18 of the amended reclamation plan as follows:
 - i. The plot sizes need to be provided for the Chaparral Seed Mix and the Rangeland Seed Mix.
 - ii. The plot sizes need to be copied into each column.
 - iii. A density value needs to be provided for the Chaparral Seed Mix,
 - iv. Standards for the Chaparral Seed Mix need to be referred to as "native perennial species" rather than simply "all species."
 - v. The sampling methods shall be set forth in the amended plan and the sample size shall provide an 80 percent confidence level at a minimum. A discussion of sampling methods shall be added to the discussion on monitoring under Section 4.18 on page 52 to meet this requirement.

- f. Revise Section 4.13 of the amended reclamation plan to remove the statement that willow and cottonwood cuttings may be stored for up to eight months.
- g. The final plan shall specify that vegetation that is removed shall be used as mulch and compost in revegetation.

Public Works

10. **Within 180-days of permit approval**, the Applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. Widening the westerly (southbound) shoulder of El Camino Real to an 8-foot wide HMA paved shoulder for approximately 200-feet either side opposite of the quarry access road in accordance with the 2014 County Public Improvement Standard Drawing A-1e.
 - b. Reconstructing the existing quarry access road approach on El Camino Real in accordance with the 2014 County Public Improvement Standard Drawing B-1e for high speed and/or high volume rural roadways.
 - c. Constructing center left-turn channelization at the intersection of El Camino Real and the quarry access road in accordance the Caltrans Highway Design Manual, Chapter 400, and within the necessary dedicated right-of-way easements.

If a civil engineer's report determines the left-turn channelization is not currently warranted the applicant may be required, at the discretion of the Director of Public Works, to enter into a Road Improvement Agreement with the County Department of Public Works, in a form acceptable to County Counsel, to defer construction until such time the Director of Public Works demands performance. To guarantee performance under the Agreement the Applicant must either create a lien against the property or post a security such as a performance bond or letter of credit. The Agreement may be recorded with the County Clerk Recorder's Office at the County's discretion.
11. **Within 360-days of permit approval or as allowed by the Encroachment Permit**, a Registered Civil Engineer must certify to the Department of Public Works that the road improvements have been completed in accordance with the conditions of approval, including any related land use permit conditions and the approved improvement plans.
12. **Within 90-days of permit approval**, and in accordance with County Code 22.36.110 and County Development Plan Permit D810623:1 condition of approval No. 15 for Kaiser Sand and Gravel, the operator shall enter into an agreement with the County, in a form acceptable to County Counsel, to deposit into the County Road Fund a sum of \$1.45 per truckload of material to be hauled over the following County-maintained roads: El Camino Real between the City of Atascadero limits southerly to Estrada Avenue (SR 58). The agreement shall provide for reports of trips, and corresponding payment, to be made quarterly. The cost shall be subject to annual adjustment based on the Caltrans Construction Cost Index with the beginning index being the date that the project receives approval from the hearing body.
13. **Within 180-days of permit approval**, the Applicant shall enter into an agreement and post a deposit with the County for the cost of checking the improvement plans and the

cost of inspection of any such improvements by the County or its designated representative. The applicant shall also provide the County with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

On-going condition of approval (valid for the life of the project), and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works. **Drainage**

14. **On-going condition of approval (valid for the life of the project)**, the Applicant shall comply with the drainage and erosion control requirements of Land Use Ordinance.
15. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program, and the County's Storm Water Pollution Control and Discharge Ordinance.

ENVIRONMENTAL CONDITIONS

Air Quality

16. **MM AQ-1 – Implement a Dust Control Plan.** The Applicant shall comply with the following on-site requirements to minimize PM10 fugitive dust emissions:
 - a. Reduce the amount of disturbed area where possible by retaining the natural vegetation and soil within each quarry phase until that phase is ready to start.
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequencies shall be required whenever wind speeds exceed 15 miles per hour (mph) as determined in consultation with the County APCD. Reclaimed (non-potable) water should be used whenever possible.
 - c. Spray all soil or product stockpile areas daily as needed, or cover or treat them to minimize windblown dust.
 - d. Ensure that the Project access road is complete and paved at all times to minimize dust generated by the operation of heavy trucks.
 - e. The locations for stockpiles and material storage areas, along with specifications for dust control measures, shall be shown on all applicable mining and reclamation plans.
 - f. The Applicant shall designate a person to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and phone number of such person shall be provided to the County APCD prior to issuance of a Notice to Proceed or other permit to initiate any work associated with the Project's proposed expansion area.
 - g. Reclamation and revegetation of all disturbed areas shall occur as soon as practicable in a phased manner consistent with the Project's RPA. Watering or

other treatments shall be used on replaced soil material to control windblown dust until vegetation is established.

- h. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the County APCD.
 - i. Vehicle speed for all quarry vehicles and trucks on unpaved portions of the Project site shall not exceed 15 mph.
 - j. All trucks hauling dirt, sand, soil, or other loose materials are to be covered and fitted with appropriate seals and splash guards, and must be operated in conformance with California Vehicle Code 23114 related to hauling materials.
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto the Project access road. Water sweepers with reclaimed water should be used where feasible.
 - l. Prior to commencement of any activity associated with the Project's proposed expansion area(e.g., site preparation, grading or earth disturbing activity) the Applicant shall notify the County Department of Planning and Building and the County APCD, by letter, of the status of the air quality measures required by Mitigation Measure AQ-1. The letter will state the following:
 - i. The controls that will be implemented;
 - ii. The reasons why any unimplemented measures are considered infeasible and the measures incorporated to substitute for these measures; and
 - iii. When any scheduled activities within the Project's expansion area will be initiated to allow for County APCD inspection of the mitigation measures prescribed in the Project's Final Environmental Impact Report.
17. **MM AQ-2 – Implement Applicable Controls for Naturally Occurring Asbestos (NOA).** Prior to the issuance of the Notice to Proceed or related permit to start any activity associated with the Project's proposed expansion, the Applicant shall submit evidence to the Department of Planning and Building, that either a NOA exemption has been granted by the County APCD, or the provisions of the CARB Airborne Toxic Control Measure related to NOA have been implemented.

Biological Resources

18. **MM BIO-1.1 – Compensate for permanent excavation-phase impacts to vegetation.** To compensate for permanent impacts to vegetation in the Proposed RPA footprint, the Applicant will implement one or more of the following: (1) onsite preservation of vegetation (in Proposed RPA area but outside of the Proposed RPA footprint), (2) acquisition and preservation of offsite lands, or (3) payment to an appropriate in-lieu fee program in the region. Compensation will be required at the following ratios (acres preserved to acres removed):
- Oak woodlands: 3:1
 - Riparian woodland or scrub: 3:1
 - Northern mixed chaparral: 1:1
 - Chamise chaparral: 1:1

- Nonnative annual grassland, disturbed, and operational water features: no mitigation required

Compensatory mitigation lands shall be private lands and contain the same quality and types of vegetation impacted by the Proposed Project. A conservation easement shall be recorded on the mitigation lands to protect the existing plant and wildlife resources in perpetuity, and the Applicant shall fund an endowment for the management of compensation lands. The conservation easement shall be recorded immediately upon the dedication or acquisition of the land.

The Applicant shall either donate conservation easements or provide funds for the acquisition of conservation easements to a “qualified easement holder” (defined below). To qualify as a “qualified easement holder” a private land trust must have:

- Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
- Adopted the Land Trust Alliance’s Standards and Practices; and
- A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing the qualified easement holder fees sufficient to cover: (1) administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.); (2) funds to implement initial site clean-up and rehabilitation/restoration, as necessary; and, (3) funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

The conservation easement(s) shall:

- Be held in perpetuity by a qualified easement holder (defined above).
- Be subject to a legally binding agreement that shall: (1) be recorded with the County Recorder(s); and (2) name CDFW or other approved organization to which the easement(s) will be conveyed if the original holder is dissolved.

Prior to County issuance of a Notice to Proceed, the Applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easement(s), and the restrictions contained in said easement(s) created for the permanent protection of these lands. Documentation of recorded conservation easement(s) shall be submitted to and approved by the County prior to issuance of the Notice to Proceed. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to the beginning of each Project phase by the County.

19. **MM BIO-1.2 – Prepare and implement a Weed Control Plan during all Project phases.**

Prior to County issuance of a Notice to Proceed, the Applicant shall retain a County qualified restoration ecologist or biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the excavation and reclamation phases of the Proposed Project. The WCP shall be submitted to the County for review and approval, in consultation with the CDFW, and shall be updated and utilized for weed eradication and monitoring for the life of the Proposed Project. The WCP shall include, but not be limited to, the following:

- a. Conduct a pre-disturbance survey for weeds in all presently undisturbed areas that are proposed for ground-disturbing activity in the Proposed RPA footprint. Weed populations that are rated high or moderate for negative ecological impact in the California Invasive Plant Inventory Database (Cal-IPC, 2006) shall be mapped and described according to density and area covered. Areas with weed infestations shall be treated prior to ground disturbance in presently undisturbed areas according to control methods detailed below and BMPs for invasive weed populations.
- b. Weed control treatments shall include legally permitted herbicide, manual, and mechanical methods approved for application. The application of herbicides shall be in compliance with State and federal laws and regulations under the prescription of a Pest Control Advisor (PCA), where concurrence has been provided by the County of San Luis Obispo, and implemented by a Licensed Qualified Applicator. Herbicides shall not be applied during or within 72 hours of a scheduled rain event. Where manual or mechanical methods are used, plant debris will be disposed of at an appropriate offsite location. The timing of the weed control treatment shall be determined for each plant species with the goal of controlling populations before they start producing seeds. Consultation with a County qualified wildlife biologist or botanist shall be required prior to weed control treatments to develop strategies to avoid any adverse impacts to plants and wildlife in the area.
- c. Herbicides known to have residual toxicity, such as pre-emergents and pelts, will not be used in natural areas or within channels (engineered or not) where they could run off into downstream areas. Only the following application methods may be used: wick (wiping onto leaves); inner bark injection; cut stump; frill or hack & squirt (into cuts in the trunk); basal bark girdling; foliar spot spraying with backpack sprayers or pump sprayers at low pressure or with a shield attachment to control drift, and only on windless days, or with a squeeze bottle for small infestations.
- d. Throughout the Project excavation and reclamation phases, all sites impacted by the Project (including access roads within the Proposed RPA area) will be surveyed annually for new invasive weed populations, and identified weed populations will be treated and monitored. Treatment of all identified weed populations shall occur at a minimum of once annually. When no new seedlings or re-sprouts are observed at treated sites for three consecutive, normal rainfall years, the weed population can be considered eradicated and weed control efforts may cease for that impact site.

Weed control efforts shall be timed annually to reduce invasive weed seed production. This entails conducting weed removal when flowering has just started, but before seeds have been produced. All plant debris shall be disposed of at an approved location. Weed control efforts shall generally commence in early spring (February), or as determined each year by a qualified restoration ecologist or biologist.

- e. All seeds and straw materials used during Project excavation and reclamation phases shall be weed-free rice straw or other weed-free product, and all gravel and fill material shall be weed free. Any deviation from this will be approved by the County of San Luis Obispo. All plant materials used during restoration shall be native, certified weed-free, and approved by the County of San Luis Obispo.

The above measures shall be implemented by the Applicant or Project owner as specified in the WCP. An environmental monitor shall be retained to ensure the compliance with weed control measures.

20. **MM BIO-2.1 – Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas during all Project phases.** Prior to County issuance of a Notice to Proceed, the Applicant shall provide a copy of the California Department of Fish and Wildlife Streambed Alteration Agreement and Clean Water Act Section 401 and 404 permits, or a written determination that such permit(s) are not necessary. The Applicant will implement all mitigation measures and conditions contained within the Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife for impacts to jurisdictional areas, as well as any requirements of the Regional Water Quality Control Board or the U.S. Army Corps of Engineers, upon determination of jurisdiction and permit issuance by all three agencies. In addition, the following BMPs will be implemented during all excavation and reclamation activities in or near ephemeral drainages or the Salinas River:

- a. No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.
- b. Vehicles and equipment will not operate in ponded or flowing water except as described in the Streambed Alteration Agreement.
- c. The Applicant shall prevent water containing mud, silt, or other pollutants from grading or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows.
- d. Spoil sites and topsoil/overburden stockpiles will not be located within 30 feet from the boundaries of drainages or in locations that may be subjected to high storm flows, where materials might be washed back into drainages.
- e. No equipment maintenance will occur within 150 feet of any category 3, 4, or 5 streambed or any streambed greater than 10 feet wide unless the maintenance area is bermed to contain leakage and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.
- f. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, or other organic or earthen material will be allowed to enter into, or placed where it may be washed by rainfall or runoff into, off-site state- or federal-jurisdictional waters.
- g. The cleanup of all spills will begin immediately. The County and the State of California Department of Toxic Substances Control will be notified immediately by the Applicant of any spills and will be consulted regarding clean-up procedures.
- h. A minimum setback of 130 feet from the Salinas River and associated riparian woodland habitat will be put in place during all quarry extension grading.

21. **MM BIO-3.1 – Implement a Worker Environmental Education Program (Biological Resources) during all Project phases.** Prior to any activities within the proposed

expansion area, a Worker Environmental Education Program (WEEP) shall be implemented by a County qualified biologist(s). The WEEP shall be submitted to the San Luis Obispo County Department of Planning for review and approval, and implemented throughout the duration of excavation and reclamation activities. The WEEP shall be implemented once for current employees, and then incorporated into overall facility training for new employees such that all employees that will be involved in ground-disturbing activities will have received the WEEP training one time. The WEEP shall include, at a minimum, the following items:

- a. Training materials and briefings shall include but not be limited to: a discussion of the Federal and California Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act; the consequences of non-compliance with these acts; identification and values of plant and wildlife species and significant natural plant communities; hazardous substance spill prevention and containment measures; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements.
- b. A discussion of measures to be implemented for avoidance of the sensitive resources discussed above and the identification of an on-site contact in the event of the discovery of sensitive species on the site. This will include a discussion on microtrash and its potential harmful effects on California condors.
- c. Protocols to be followed when road kill is encountered in the work area or along access roads during all Project phases to minimize potential for additional mortality of scavengers, including listed species such as the California condor, and the identification of an on-site representative to whom the road kill will be reported. Road kill shall be reported to the appropriate local animal control agency within 24 hours.
- d. Maps showing the known locations of special-status wildlife, populations of rare plants and sensitive vegetation communities, seasonal depressions and known water bodies, wetland habitat, exclusion areas, and other activity limitations (e.g. limited operating periods, buffer zones, etc.).
- e. Literature and photographs or illustrations of potentially occurring special-status plant and wildlife species.
- f. The Project Applicant shall provide to the County evidence that all on-site personnel have completed the WEEP prior to the start of ground disturbance in the expansion areas. A hardhat sticker or wallet size card shall be issued to all personnel completing the training, which shall be carried with the trained personnel at all times while on the Project site. All new personnel shall receive this training as part of the overall facility training for new employees, and may work in the quarry for no more than 5 days without participating in the WEEP. A log of all personnel who have completed the WEEP training shall be kept on site.
- g. A weather-protected bulletin board or binder shall be centrally placed or kept on site in an easily accessible area for the duration of Project excavation and reclamation phases. This board or binder will provide key provisions of regulations or Project conditions as they relate to biological resources or as

they apply to earth-moving activities. This information shall be easily accessible for personnel in all active work areas.

22. **MM BIO-3.2 – Implement Best Management Practices to minimize impacts to plants and wildlife during all Project phases.** Best Management Practices (BMPs) will be implemented as standard operating procedures during all excavation and reclamation activities to avoid or minimize Project impacts to plants and wildlife. These BMPs will include but are not limited to the following:

- a. All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.), and other human-generated debris will be stored in animal proof containers or removed from the site each day. No deliberate feeding of wildlife will be allowed.
- b. Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional Project-related restrictions deemed necessary by the USFWS and CDFW (e.g. through conditions in an incidental take authorization, if applicable).
- c. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one dead, injured, or entrapped, will immediately report the incident to the on-site representative identified in the WEEP. The representative will contact the USFWS, CDFW, and County by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within three working days of the incident or finding. Notification will include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured will be turned over immediately to CDFW for care, analysis, or disposition.
- d. New light sources will be minimized, and lighting will be designed to limit the lighted area to the minimum necessary (e.g., by using downcast lights).
- e. Workers will be trained on the issue of microtrash – what it is, its potential effects to California condors, and how to avoid the deposition of microtrash. In addition, daily sweeps of the work areas will occur to collect and remove microtrash.
- f. To reduce the potential for spread of sudden oak death and other pests, all grubbed woody material will be chipped, spread out to dry, and disposed of on site or at an appropriate facility.
- g. In consultation with the County Department of Planning and Building, no diversions from the Salinas River will occur if the diversion would result in a complete curtailment of downstream flows below the diversion.

Compliance with BMPs will be documented and provided to the County in a written report on an annual basis. The report shall include a summary of the excavation and reclamation activities completed, a review of the sensitive plants and wildlife encountered, a list of compliance actions and any remedial actions taken to correct the actions, and the status of ongoing mitigation efforts.

23. **MM BIO-3.3 – Implement biological monitoring during all Project phases.** Prior to any Project excavation and reclamation activities, the Project Applicant shall retain a County qualified biologist(s) with demonstrated expertise with special-status plants and wildlife that could occur on site to monitor, on a daily basis, all vegetation removal and initial ground disturbance in previously undisturbed areas. Any listed plants shall be flagged for avoidance. Any special-status reptiles, amphibians, or terrestrial mammals (excluding listed species such as the California red-legged frog) found within a Project impact area shall be relocated to suitable habitat outside the impact area by the biological monitor(s). Clearance surveys for special-status species shall be conducted by the biological monitor(s) prior to the initiation of vegetation removal each day. The biological monitor(s) will have the authority to temporarily halt work to avoid impacts to special-status species or other protected biological resources. Once initial ground disturbance and vegetation removal is complete, daily monitoring may cease at that location.

If the biological monitor observes a dead or injured listed or other special-status wildlife species on the Project site, a written report shall be sent to the County, CDFW, and USFWS (as applicable) within five calendar days. The report will include the date, time of the finding or incident (if known), and location of the carcass and circumstances of its death (if known). The biological monitor shall, immediately upon finding the remains, coordinate with the onsite foreman to document the events that caused the mortality, if known, and implement measures to prevent future incidents. Details of these measures shall be included with the report. Species remains shall be collected and frozen as soon as possible, and CDFW and/or USFWS shall be contacted regarding ultimate disposal of the remains.

24. **MM BIO-3.4 – Conduct surveys for special-status plants and mitigate impacts during the excavation phase.** The Applicant shall implement the following measures to mitigate the Project's direct and indirect impacts to special-status plants.

- **Surveys.** Prior to initial ground disturbance at each new excavation area, the Applicant shall conduct surveys for special-status plants (State and federally listed Threatened and Endangered, Proposed, Petitioned, and Candidate plants and CRPR 1, 2, and 3 plants) in all areas subject to ground-disturbing activity and the surrounding areas within 50 feet. Surveys are required in all currently vegetated areas that would be subject to ground disturbance or vegetation removal. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/botanist according to protocols established by the USFWS, CDFW, and California Native Plant Society (CNPS). Surveys will be valid for a period of three years. If vegetation removal or initial site disturbance in a surveyed area does not occur within three years, surveys will be repeated. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared. The results of each rare plant survey will be provided to the County in a report within three months of survey completion.
- **Avoidance.** Prior to grading or vegetation removal at each new excavation area, any populations of special-status plant species identified during the surveys within the Proposed RPA footprint and surrounding 50-foot area shall be protected and a disturbance-free buffer established around each population. The buffer shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including trampling, erosion, and dust. The size of the disturbance-free buffer depends upon the activities to be

conducted in the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, in coordination with the USFWS, CDFW, and County of San Luis Obispo. Highly visible flagging shall be placed along the buffer area and remain in good working order during the duration of any excavation activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, with notification to the County. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If Project activities result in the loss of more than 10 percent of an onsite population of any CRPR 1, 2, or 3 plant species, compensatory mitigation will be required as described below.

- **Off-site compensation.** If Project activities result in the loss of more than 10 percent of the onsite population of any CRPR 1, 2, or 3 plant species, compensatory mitigation will be required. Compensation will be required for all impacts that exceed the 10 percent threshold (e.g. impacts to 15 percent of a population will only require compensation for 5 percent or the amount of impacts that exceed the 10 percent threshold). To compensate for direct impacts to CRPR 1, 2, or 3 plant species, habitat that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). This may include preservation of areas within the undisturbed buffer portions of the Proposed RPA area, mitigation lands outside of the Project site, or a combination of both. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure and composition, and will contain verified extant populations, of the same size or greater, of the CRPR 1, 2, or 3 plant populations that are impacted.

Habitat shall be preserved through the use of permanent conservation easements. Mitigation lands cannot be located on land that is currently publicly held. Compensation requirements for impacts to CRPR 1, 2, or 3 plants may be "nested" in mitigation lands for impacts to vegetation (Mitigation Measure BIO-1.1) provided the compensation lands support the target species as required in this measure. Conservation easement requirements, including funding, shall be as described in Mitigation Measure BIO-1.1.

- **Salvage.** Any CRPR 1, 2, or 3 plants within the Proposed RPA footprint shall be salvaged prior to vegetation removal (for all populations, regardless of the proportion of the population being impacted), including La Panza mariposa lily and Hardham's evening primrose. These individuals shall be transferred to suitable habitat within the Proposed RPA area buffer that will not be disturbed by Project activities. The Project Applicant will develop and submit to the County a Salvage and Relocation Plan, based on the life history of the species affected. The Plan will

include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the Plan's goals. The Plan will be submitted to the County for approval at least 30 days prior to commencement of salvage activities.

25. **MM BIO-3.5 – Complete focused surveys for special-status reptiles and amphibians and implement avoidance measures during all Project phases.** The Applicant shall retain a qualified biologist approved by the County to conduct focused surveys immediately prior to vegetation removal and grading in previously undisturbed areas during all Project phases. If special-status reptiles or amphibians are found within the disturbance area, the biologist will relocate non-listed animals to a safe location outside the Project disturbance area in suitable habitat. Listed species such as the California red-legged frog will not be handled or harassed, and will be avoided. If the Project Applicant does not have take authorization for listed species, the area will be avoided until the animal has left on its own. The biologist will notify the USFWS, CDFW, and the County within 24 hours of the observation of listed species. A final report identifying the number of non-listed animals moved, any mortality identified during the relocation event, and the general health of the species shall be completed and submitted to the County on a monthly basis during all Project phases.
26. **MM BIO-3.6 – Conduct protocol surveys for California red-legged frogs and implement avoidance measures during all Project phases.** The Applicant shall retain a qualified biologist approved by the County to conduct surveys for California red-legged frogs in accordance with the most current USFWS protocol. Surveys will be conducted in all aquatic habitats associated with the Salinas River within 500 feet of the RPA footprint. Survey results are valid for two years; surveys must be repeated if more than two years passes between the initial survey and site disturbance. Surveys are required prior to initial ground disturbance in riparian and surrounding upland habitats at each new excavation area within 500 feet of aquatic habitat, and in aquatic habitats and surrounding 500-foot buffer areas that would be affected by reclamation activities.

If California red-legged frogs are identified during surveys, measures to avoid impacts shall be implemented. These include, but are not limited to:

- A full-time biological monitor will monitor all vegetation clearing and initial site grading within 500 feet of occupied California red-legged frog habitat during Project excavation and reclamation phases.
- Where initial site disturbance can occur in presently undisturbed habitat where red-legged frogs are widely distributed, work areas will be fenced in a manner that prevents equipment and vehicles from straying from the designated work area into adjacent habitat. The authorized biologist will assist in determining the boundaries of the area to be fenced in consultation with the USFWS, CDFW, and the County. All workers will be advised that equipment and vehicles must remain within the fenced work areas. Fencing to exclude red-legged frogs will be at least 24 inches in height.
- The authorized biologist will direct the installation of the fence and conduct a minimum of three nocturnal surveys to identify any red-legged frogs within the fenced

area. If red-legged frogs are observed at any time in fenced areas, no activity will occur in the fenced area and the authorized biologist will consult with the USFWS and the County. No handling of red-legged frogs is authorized without take authorization from the USFWS.

- If red-legged frogs are found in a work area where fencing was deemed unnecessary, work will cease and the authorized biologist will notify the USFWS and the County. The authorized biologist in consultation with USFWS, CDFW, and the County will then determine whether additional surveys or fencing are needed.
- Vegetation clearing and initial site grading activities for all Project phases that may occur immediately adjacent to breeding pools or other areas where large numbers of red-legged frogs may congregate will be conducted during times of the year (winter) when individuals have dispersed from these areas or the species is dormant, unless otherwise authorized by the County, CDFW, and USFWS. The authorized biologist will assist the Project Applicant in scheduling its work activities accordingly.
- No handling of red-legged frogs will occur unless take authorization is obtained from USFWS.
- The authorized biologist will have the authority to stop all activities until appropriate corrective measures have been completed.
- The Project Applicant shall restrict work to daylight hours, except during an emergency, in order to avoid nighttime activities when red-legged frogs may be present.
- No stockpiles of materials will occur in areas occupied by California red-legged frogs.

27. **MM BIO-3.7 – Nesting Bird Management Plan, nest surveys, and impact avoidance measures for migratory and nesting birds during all Project phases.** Prior to County issuance of a Notice to Proceed, the Applicant shall retain a County qualified biologist to prepare a draft Nesting Bird Management Plan describing measures to detect native birds that may nest on and adjacent to the Proposed RPA area and to avoid impacts to or take of those birds or their nests during all Project phases. The draft Nesting Bird Management Plan will be submitted to the CDFW, USFWS for review and comment, and to the County for approval. The Plan will be finalized by the Applicant prior to issuance of the Notice to Proceed. The Nesting Bird Management Plan will describe avoidance measures, such as buffer distances from active nests. The qualified biologists implementing the Plan can determine appropriate buffer distances from active nests, based on consideration of the specific nature of Project activities, noise or other disturbance of those activities, the bird species and conservation status, and other pertinent factors. The Plan will specify 500 feet as a standard buffer distance for listed birds. Additionally, the Plan will list all Project vegetation removal and ground-disturbing activities and rank them in terms of noise and other potential disturbance to nesting birds.

The Plan will identify specific measures (if any) to prevent or reduce bird nesting activity on Project facilities. The Plan will include specific monitoring measures to track any active bird nest within or adjacent to the excavation and reclamation activities, bird nesting activity, Project-related disturbance, and fate of each nest.

Surveys for nesting birds shall be conducted prior to any vegetation removal or initial ground disturbance in presently undisturbed areas that will occur during the breeding

period (from February 1 through August 31). The authorized biologists conducting the surveys shall be experienced bird surveyors and familiar with standard nest-locating techniques. Surveys shall be conducted in accordance with the following guidelines.

- a. Surveys shall cover all potential nesting habitat within disturbance areas and within a 500-foot buffer of these areas;
- b. Surveys shall be conducted no more than 7 days prior to the start of vegetation removal or ground-disturbing activity in previously undisturbed areas. Additional follow-up surveys may be required if ground disturbance and vegetation removal activities do not occur for one or more weeks in any given area (an interval during which birds may establish a nesting territory and initiate egg laying and incubation);
- c. If active nests are detected during the survey, the Project Applicant will implement avoidance measures identified in the Nesting Bird Management Plan, and the authorized biologist will be responsible for monitoring the implementation, conformance, and efficacy of those measures, according to the monitoring requirements of the Nesting Bird Management Plan.
- d. The Applicant shall prepare and implement a monitoring protocol as part of the Nesting Bird Management Plan to ensure no disturbance to active nests occurs within or adjacent to the new vegetation removal and ground disturbance areas. The plan shall be reviewed and approved by the County, in coordination with USFWS and CDFW prior to the initiation of ground-disturbing activities;
- e. Prior to the start of any new Project-related ground disturbance activities, the authorized biologist shall provide the County a report or memorandum describing the findings of the nest surveys, including the time, date, and duration of the survey; identity and qualifications of the surveyor(s); and a list of species observed. If active nests are detected during the surveys, the report shall include descriptions of avoidance zones and methods used to determine avoidance zones and maps or aerial photos identifying nest locations and the boundaries of no-disturbance buffer zones;
- f. The authorized biologist shall monitor active nests until nestlings have fledged and dispersed. Activities that might, in the opinion of the authorized biologist, disturb nesting activities shall be prohibited within the buffer zone until such a determination is made;
- g. The authorized biologist shall monitor all new vegetation removal and initial ground disturbance in previously undisturbed areas throughout the breeding season each year, throughout the excavation and reclamation phases of the Project; and
- h. Throughout the excavation and reclamation phases of the Project, nest locations, Project activities in the vicinity of nests, and any adjustments to buffer areas shall be described and reported in monthly monitoring reports to the County.

If any work would occur during the breeding season that would result in noise levels exceeding 60 dBA within 500 feet of riparian habitat, including along the Salinas River, USFWS protocol surveys for least Bell's vireo will be conducted. Work shall not be allowed that exceeds the noise threshold until protocol surveys are complete for that year. If breeding least Bell's vireos are identified, a 500-foot buffer will be established around each

territory. This buffer may be adjusted in coordination with USFWS, CDFW, and the County, provided that the 60 dBA threshold will not be exceeded within the active territory.

28. **MM BIO-3.8 – Bald and golden eagle surveys and impact avoidance during all Project phases.** The Project Applicant shall implement the following measures to document eagle occurrence in the Proposed RPA area and surrounding mountains. Survey schedule and requirements will be as identified below unless otherwise authorized by the County in consultation with the USFWS and CDFW.

- a. **Annual Nesting Season Surveys during all Project Phases.** The Project Applicant shall contract with a qualified ornithologist to conduct nesting season (February through July for bald eagle and February 1 to August 31 for golden eagle) eagle surveys in the Proposed RPA area and surrounding mountains within a one-mile radius of the Proposed RPA area. Survey methods for the golden eagle inventory shall be either ground-based or helicopter-based, as described in the *Golden Eagle Technical Guidance* (Pagel et al., 2010) or more current guidance from the USFWS. Survey methods for bald eagle will be developed in coordination with CDFW and will follow the CDFW's *Bald Eagle Breeding Survey Instructions* (available online at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).
- b. **Nest Buffers.** If an occupied nest (as defined by the guidance cited under "Annual Nesting Season Surveys" above) is detected within one mile of the Proposed RPA area, a 0.5-mile disturbance-free buffer will be established, and no Project excavation or reclamation activities will occur within the buffer. This buffer may be reduced if the nest is shielded from view of the site by intervening terrain, in coordination with San Luis Obispo County, CDFW, and USFWS. This buffer will remain in effect until the young have fledged or the nesting attempt fails, as determined by the qualified ornithologist.
- c. **Reporting.** Bald and golden eagle survey data and, if applicable, nest buffers implemented will be provided to San Luis Obispo County, CDFW, and USFWS in monthly monitoring reports, as seasonal data becomes available and if specific nest buffers are established, and summarized in annual Project monitoring reports during all Project phases.

29. **MM BIO-3.9 – Conduct maternity colony or hibernaculum surveys for sensitive bats and avoid impacts during all Project phases.** The removal of potential bat roost habitat (i.e., large trees, snags, vertical rock faces or rockpiles with interstitial crevices that are outside of current quarry operations areas) will take place from September 1 to October 31 when possible to avoid potential impacts to bat maternity or hibernation roosts. If the September 1 to October 31 work window is not feasible, pre-disturbance bat roost surveys will be conducted. No more than 15 days prior to vegetation removal or initial site disturbance in previously undisturbed areas, the Applicant shall retain a County qualified biologist to conduct surveys for sensitive bats within 300 feet of proposed disturbance areas. If hibernacula (hibernation roosts) or maternity roosts are found, no work will occur within 100 feet (blasting 300 feet) during the hibernation period (November 1 to March 31) or breeding season (March 1 to July 31), as applicable. Should blasting within the expansion area be required during these periods, prior to any such activity the Applicant shall consult with the County to develop and implement a strategy for the protection of hibernacula and/or maternity roosts.

If non-breeding bat roosts are found in cliffs, rock piles, trees or other substrate scheduled to be removed, the individuals shall be safely evicted, under the direction of a qualified

biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (e.g., installation of one-way doors). In situations requiring one-way doors, a minimum of one week shall pass after doors are installed and temperatures should be sufficiently warm for bats to exit the roost because bats do not typically leave their roost daily during winter months in southern coastal California. This action should allow all bats to leave during the course of one week. Roosts that need to be removed in situations where the use of one-way doors is not necessary in the judgment of the qualified biologist shall first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree shall be removed or the grading shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal).

30. **MM BIO-3.10 – Conduct focused surveys for ringtail cat and avoid active maternity dens during all Project phases.** If vegetation clearing will occur during the breeding season for ringtail cat (March 1 through June 30), a qualified biologist will conduct focused surveys for potential dens within all previously undisturbed areas proposed for vegetation clearing and grading and the surrounding areas within 200 feet. Any active dens will be avoided, and a 200-foot disturbance-free buffer will be established. This buffer may be adjusted in coordination with the CDFW and the County, depending on the specific location and current activity occurring in the area. Once the young have left the den or the breeding attempt has failed, normal vegetation clearing and earth-moving activities can resume. All activities that involve the ringtail shall be documented and reported to the CDFW and the County within 30 days of the activity.
31. **MM BIO-3.11 – Complete focused surveys for American badger and implement avoidance measures during all Project phases.** No more than 30 days prior to the commencement of vegetation clearing or earth moving in previously undisturbed areas, the Project Applicant shall retain a County-qualified biologist to conduct surveys for American badger within native vegetation and annual grasslands in the proposed disturbance area. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot disturbance-free buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by crews. Buffers may be modified in coordination with the CDFW. A biological monitor shall monitor for adequate protection of all identified dens and to ensure that all flagging is kept in place during new vegetation removal and initial ground-disturbing activities during the excavation and reclamation phases.

If avoidance of an occupied, non-maternity den is not feasible, badgers shall be passively relocated in coordination with the CDFW and the biological monitor.

A written report documenting all badger-related activities (e.g. den flagging, monitoring, badger removal, etc.) shall be provided to the County of San Luis Obispo within 30 days of completion of the activities. A copy of the report will also be provided to the CDFW.

Cultural and Paleontological Resources

32. **MM CR-1 – Implement Avoidance Measures.** In order to: (1) prevent damage to the historic resource located within the Lower Area of the Proposed RPA area that is located in one of the Buffer Areas; and, (2) avoid the inadvertent discovery of buried components of this or other historic resources, no earth-disturbing activities shall be undertaken within this Buffer Area and signage shall be erected along its boundaries by a qualified archaeologist to prevent incidental impacts.

33. **MM CR-2.1 – Prepare and implement Unanticipated Discovery and Monitoring Plan.** At least sixty days prior to ground disturbance activities related to reclamation of the Lower Area of the Proposed RPA, the Applicant shall submit to the County an Unanticipated Discovery and Monitoring Plan (Plan) for review and approval. The Plan shall be prepared by a County-qualified cultural resources specialist and shall outline the process for notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction. The Plan shall explicitly state that if previously undiscovered cultural resources, such as lithic debitage or groundstone, shell midden, historic debris, building foundations or human remains are exposed during reclamation, all ground-disturbing activities shall immediately be halted at the discovery site and within 100 feet of it. Work shall be stopped until the discovery has been evaluated by a professional cultural resources specialist and appropriate agencies have been notified. If the discovery is recommended as eligible for listing in the CRHR, impacts shall be mitigation per the actions specified in the Plan, which may include archaeological data recovery and/or monitoring.

The Plan shall additionally contain provisions in the event that human remains or suspected human remains are uncovered during Proposed RPA activities within the Lower Quarry. The provisions shall specify that all work within 100 feet of the discovery will be halted and redirected to another location. The find will be secured, and the Applicant's designated representative will be contacted immediately to inspect the find and determine whether the remains are human. If the remains are not human, the designated representative will determine whether the find is an archaeological deposit and if the site should be subject to the treatment recommendations established in the approved Unanticipated Discovery and Monitoring Plan. If the remains are human, the designated representative will immediately implement the provisions in Public Resources Code Sections 5097.9 through 5097.996, beginning with immediate notification of the County Coroner. The coroner has two working days to examine the remains after being notified. If the Coroner determines that the remains are Native American, the NAHC must be contacted within 24 hours. The NAHC, as required by Public Resources Code Section 5097.98, determines and notifies the Most Likely Descendent.

34. **MM CR-2.2 – Implement a Worker Environmental Education Program (Cultural and Paleontological Resources).** Two weeks prior to commencement of any reclamation activities in the Lower Area of the Proposed RPA area, the Applicant shall provide training to reclamation personnel. The training shall include onsite avoidance requirements and the procedures for reporting any sensitive resources that are cultural or paleontological in nature and may be discovered during reclamation-related ground disturbance. The training program will explain: the potential for exposing cultural and paleontological resources; the laws protecting cultural and paleontological resources; the locations of potentially sensitive areas; how to recognize cultural and paleontological resources in the field; protocols to treat unexpected discoveries; and the importance of cultural and paleontological resources to the Native American community. Proper training of reclamation personnel would lessen the potential for disturbance of known and undiscovered cultural resources during daily activities. This training shall also be performed as needed for new reclamation personnel. New personnel shall not be onsite without training and without supervision from a trained worker. The Applicant shall submit proof of this training to the County Department of Planning and Building.
35. **MM CR-3 – Prepare and implement Paleontological Monitoring and Treatment Plan.** At least sixty days prior to ground disturbance activities related to Phase V final reclamation in the Lower Area of the Proposed RPA area, the Applicant shall retain a

qualified paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan), and submit the Plan to the County for review and approval. The Plan shall be based on the Society for Vertebrate Paleontology (SVP) guidelines and meet all regulatory requirements. The qualified paleontologist shall have a Master's Degree or Ph.D. in paleontology or a related field, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Plan shall identify Reclamation impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered. The Plan shall detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential. The Plan shall also detail methods for completion of a construction worker environmental awareness training program regarding the protection of paleontological resources recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

The Plan shall outline a coordination strategy to ensure that a qualified paleontological monitor will conduct full-time monitoring of all ground disturbance during grading activities in "deeper" sediments that have been determined to have a moderate to high sensitivity rating. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

The Plan shall define specific conditions in which monitoring of earth-moving activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient representative excavations.

The Plan shall also require that all monitoring will be completed by qualified individuals, and that all on-site monitors will have the authority to stop or otherwise divert ground-disturbing activities away from exposed fossils until such finds are appropriately assessed and recovered.

Geology, Soils, and Mineral Resources

36. **MM GEO-1 – Annual Inspection of Hard Rock Slopes Stability.** The Applicant shall ensure that a qualified engineering geologist or geotechnical engineer experienced in evaluating the stability of hard rock slopes shall inspect the quarry slopes annually. These inspections shall summarize the rock types observed, provide detailed rock mass descriptions and measured discontinuity orientations, observed seepage conditions, and compare the observed conditions relative to that described in the Geotechnical Investigation and Design Recommendations Report (Golder, 2012). If the conditions vary from those characterized in the Golder Report, the engineering geologist or geotechnical engineer shall evaluate whether the changes have an adverse impact on slope stability, and if so, provide recommendations to mitigate any slope stability concerns. The findings of each annual inspection shall be submitted to the County Planning and Building Department for review within 30 days of the date of each inspection.

Hazards and Hazardous Materials

37. **MM HAZ-1a – Dust control to prevent worker exposure to Valley Fever.** To prevent worker inhalation of dust containing *Coccidioides* fungal spores, the Applicant shall fully implement Mitigation Measure AQ-1 (Implement a Dust Control Plan).
38. **MM HAZ-1b – Control methods to prevent the spread of Valley Fever.** The Applicant shall develop and implement control methods to prevent the spread of the fungal spores

that cause Valley Fever. The Applicant shall consult with the San Luis Obispo County Public Health Department when developing the control methods to ensure that they are comprehensive and effective. The control methods shall apply to all workers and equipment involved in excavation activities that disturb the topsoil or in reclamation activities that involve the use of overburden. At a minimum the following control methods shall be implemented:

- Equipment, vehicles, and other items shall be thoroughly cleaned before they are moved off-site to other work locations; and
- Workers shall change their clothing and shoes after work every day at the work site.

A description of the control measures shall be provided to the County Planning and Building Department for review prior to approval of the Proposed Project's Notice to Proceed.

39. **MM HAZ-1c – Worker training.** The Applicant shall modify worker training materials to include all applicable recommendations from the San Luis Obispo County Public Health Department (Source: San Luis Obispo County Public Health Department. Recommendations for workers to prevent infection by Valley Fever in SLO County. Available at: http://www.slocounty.ca.gov/health/publichealth/commdisease/Cocci_in_SLO_County.htm) regarding educating workers on the risks of Valley Fever and on the means of preventing the exposure to and spread of the fungal spores. At a minimum, training materials will describe the control methods developed as part of HAZ-1a and HAZ-1b, and will address the following topics:

- Valley Fever is caused by inhalation of the *Coccidioides* fungal spore that reside in topsoil;
- The known presence of the *Coccidioides* fungal spore that causes Valley Fever in San Luis Obispo County soils;
- The *Coccidioides* fungal spore can be transported off-site on contaminated equipment, clothing, and shoes;
- How to recognize symptoms of Valley Fever and that these symptoms resemble common viral infections such as the cold;
- Workers' responsibility to report suspected symptoms of Valley Fever to a supervisor;
- Workers are entitled to receive prompt medical care if they suspect symptoms of work-related Valley Fever;
- Workers should inform their health care provider that they may have been exposed to the fungal spores that cause Valley Fever; and
- Workers should use control methods to prevent exposure to and the spread of *Coccidioides* spores.

The contents of the worker training materials shall be reviewed by the County Planning and Building Department prior to approval of the Proposed Project's Notice to Proceed.

Compliance with Mitigation Measures Haz-1a, b, and c will be verified by the San Luis Obispo County Health Department in consultation with the County Planning and Building Department.

Noise

40. **MM NS-1 – Truck noise reduction equipment and notification.** The Applicant shall ensure that all truck drivers leaving the quarry are informed about the noise sensitive residential uses along El Camino Real and State Route 58 and shall be routinely reminded to maintain mufflers and other noise reducing equipment on their vehicles. The use of compression brakes in residential areas shall be prohibited except under emergency conditions. A notification containing this information shall be posted at a visible location at the quarry, and shall also be provided to truck drivers as part of the documentation they receive. The County Planning and Building Department shall be provided with copies of this notification and the location(s) of where it is posted prior to approval of the Proposed Project.

Transportation and Circulation

41. **MM TR-1 – Fair share contribution to 2030 traffic volumes within the community of Santa Margarita.** The Applicant shall enter into an agreement with the County that specifies a fair share contribution percentage and timing of payment towards pedestrian crosswalk improvements at the intersection of El Camino Real at Encina Avenue; and left turn lane channelization improvements at the intersection of El Camino Real and State Route 58 (Estrada Avenue), in the community of Santa Margarita. The fair share contribution shall be evaluated and the agreement updated as necessary by the County in consultation with Caltrans, prior to the issuance of a Notice to Proceed of each phase. The 10-year trip average for the existing operation identified in the Santa Margarita Quarry Expansion Project EIR shall be used as the baseline in determining the fair share contribution for traffic in excess of this number that may result from the continued/expanded operation. This fair share may be calculated:
 - a. Based on a reasonable assumption of increased trips above the baseline that is agreed upon by the County and the applicant.
 - b. Based on an actual count for an agreed upon time period (5-10 years) to establish the average increase in traffic above the baseline.
42. **MM TR-2 – Coordinate and implement El Camino Real improvements at quarry access driveway.** The Applicant shall coordinate with the San Luis Obispo County Department of Public Works to establish the need for, and implementation of, the following roadway improvements:
 - a. Improve or widen the El Camino Real southbound shoulder at the quarry access road driveway to ensure adequate paved area is available to support the turning radius for quarry egress of all vehicles, and repair any future shoulder damage demonstrably attributed to current Project operations through Phase IV activities. Any improvements shall ensure Class II (or applicable) bicycle lane status is maintained on El Camino Real.
 - b. Improve El Camino Real at the quarry access driveway to ensure consistency with applicable County's Rural Driveway Approach standard(s) pertaining to deceleration and acceleration tapers. Any improvements shall ensure Class II (or applicable) bicycle lane status is maintained on El Camino Real.
 - c. Improve El Camino Real at the quarry access driveway to ensure consistency with applicable County's left turn lane channelization standard(s).
43. **MM TR-3 – Reduce Project contribution to deterioration of State Route 58 structural conditions.** The Applicant shall pay for the Project's fair share of impacts to the State

Route 58 roadway using one of the two options described below. The 10-year trip average for the existing operation, and trip distribution, identified in the Santa Margarita Quarry Expansion Project EIR shall be used as the baseline in determining the fair share contribution for traffic in excess of this number that may result from the continued/expanded operation. This fair share may be calculated: 1) based on a reasonable assumption of increased trips above the baseline that is agreed upon by the County, Caltrans, and the Applicant; or 2) based on an actual count of an agreed upon time period (5-10 years) to establish the average increase in traffic above the baseline. The Applicant may include a contribution for existing traffic, but shall not be obligated to do so.

- a. Option 1: Prior to issuance of a Notice to Proceed, the Applicant shall prepare a pavement monitoring program for State Route 58 between its intersection with US 101 and Estrada Avenue for review and approval by the County in consultation with Caltrans. The program shall provide before and after video evidence of pavement conditions, require the posting of a pavement repair bond or other mechanism to fund the repair of roadway deterioration resulting from the project, and a mechanism that ensures the funds collected will only be used for improvements /repairs to State Route 58 between US 101 and Estrada Avenue. The Applicant shall coordinate with the maintenance division of Caltrans regarding the details of the monitoring program and any requirements for road repair should they become necessary. The program shall include criteria for when maintenance is required and the type of repairs required for various pavement deterioration conditions that may result from heavy truck traffic. Any improvements / repairs resulting from the pavement monitoring program shall be made in accordance with the Complete Streets Program.
- b. Option 2: Prior to issuance of a Notice to Proceed, the Applicant shall enter into an agreement in a form acceptable to the County of San Luis Obispo or Caltrans to pay for the Project's fair share of impacts to State Route 58 roadway (between US 101 and Estrada Avenue). The agreement shall include a mechanism that ensures the funds collected will only be used for improvements/repairs to State Route 58 between US 101 and Estrada Avenue. The cost per load /cost per ton shall be established using project generated information and / or assumptions consistent with Caltrans standards including the cost associated with any improvements required by the Complete Streets Program.

Water Quality and Hydrology

44. **MM HYD-1 – Prepare and Implement Site-Specific SWPPP.** The Applicant shall prepare a site-specific Storm Water Pollution Prevention Plan (SWPPP) in accordance with current regulations and industry practice at the time that final reclamation of the Lower Area is being planned.

The SWPPP shall include the Best Management Practices (BMPs) necessary to ensure that grading and resoiling activities do not adversely impact water quality in the Salinas River, potentially including, but not limited to:

Erosion Control BMPs:

- Scheduling
- Preservation of Existing Vegetation
- Hydraulic Mulch
- Hydroseeding

- Soil Binders
- Straw Mulch
- Wood Mulching
- Earth Dikes and Drainage Swales
- Velocity Dissipation Devices
- Slope Drains
- Compost Blankets
- Soil Preparation / Roughening
- Non-Vegetative Stabilization

Temporary Sediment Control BMPs:

- Silt Fencing
- Sediment Basins
- Sediment Trap
- Check Dams
- Fiber Rolls
- Gravel Bag Berms
- Sandbag Barriers
- Straw Bale Barriers
- Storm Drain Inlet Protection
- Temporary Silt Dikes
- Compost Socks and Berms

The SWPPP shall be submitted to the County Department of Planning and Building for review and approval prior to initiation of grading activities. Monitoring reports shall be submitted annually to the County Department of Planning and Building for review.

ON-GOING OPERATIONS (ORIGINAL CONDITIONS INCORPORATED)

The following existing conditions of approval (D900016D and DRC2005-00004) shall be carried forward and shall apply to both current and continuing operations in the existing quarry and proposed expansion area:

Approved Use

45. The site and its operation shall be consistent with the previously approved site plans for the three previously approved land use permits (D810623:01, U720117:1, and D900038D).

Hours of Operation

46. Hours of operation are limited to 7 a.m. to 8 p.m. except when material cannot be delivered as required under a public agency contract and with the following limitations:
- a. The asphalt batch plant and associated trucking may operate for a maximum period of 16 hours of each 24 hours beginning and ending at 6:00 a.m. This may occur an unspecified 80 days each calendar year.
 - b. The asphalt batch plant, rock and recycled asphalt/concrete sales may, in addition to the hours stated above, start operations beginning at 5:00 a.m. for an unspecified 70 days per year.
 - c. A 5 a.m. start time for the secondary crusher only, between June 15th and September 15th for the life of the development. Only the secondary crusher and

other related on-site activities that are essential to its successful operation of crushing and stockpiling on-site (e.g., skiploader loading material into crusher, etc.) shall be allowed to operate as early as 5 am between June 15 and September 15 in any given year for the previously approved life of the quarry. Earlier operation of the secondary crusher would only be allowed when the operator is exercising one of their other previously approved conditions that may allow such activity prior to 5 am.

- d. No haul trucks above what has been previously approved shall be allowed between 5 a.m. and 7 a.m. between June 15 and September 15.

Visual

47. All lighting at the plant shall be shielded and directed onto the site to minimize light impacts on adjacent residences.

Noise

48. All permanent on-site vehicles shall operate with safety lights from dusk to dawn rather than sound safety devices.
49. When the warning sound devices are in use they will be adjusted to the minimum level allowed by law.
50. At all times, equipment shall be constructed, maintained and operated in such a manner as to keep noise to the minimum feasible.

Traffic

51. Prior to loading trucks the operator shall determine if each driver leaving the site is proceeding to the San Joaquin Valley. If the driver is going to the valley then they shall be advised to take Highway 101 to Highway 46 rather than Highway 58.
52. The plant gate shall be opened to trucks so that they may wait on the company road inside the gate but are not to be loaded outside of the approved hours of operation. Trucks shall not be permitted to park and wait outside the gate, nor permitted to park on the shoulder or in the bike lane. If upon learning that trucks are parked on the shoulder, the quarry operator shall contact the truck drivers and request that they turn off their engines until the blockage is cleared. If parked in the bike lane the quarry operator shall request that the trucks be moved off the lane.
53. **Notice to Drivers:** Truck drivers hauling between 8:00 p.m. and 7 a.m. shall be given a Notice to Drivers that has been reviewed by the Department of Planning and Building. The notice shall be signed by each truck driver. Any driver refusing to sign the notice or who has been found a second time violating the provisions in the notice shall not have his truck loaded and the driver shall be removed from the job. The notice shall contain requirements of the truck drivers to promote safe courteous operation of the trucks. The Notice to Drivers shall include, at a minimum, statements on the following:
 - a. Promote traffic safety and minimum noise.
 - b. Comply with speed limits.
 - c. Prohibit jake brake usage, except for emergencies.
 - d. Remove trucks with noisy exhaust systems.
 - e. Refuse to load and suspend from the job drivers who do not comply.
 - f. Location of required placards as required in Condition 12 below.

- g. Advise the drivers that a traffic monitor shall report violations.
54. **For ease of identification and reporting by the monitor or community members**, all trucks operating on night time jobs (including contracted trucks not owned by the quarry operator) will carry identifying placards indicating that the trucks originate from the operator's site. The placards shall display the operator's name and clearly display the telephone number to report complaints. The location of the placard on the trucks and the design of the placard shall be reviewed and approved by the Department of Planning and Building. Refusal by a truck driver to place and maintain the placards on the truck shall result in the truck not being loaded and the driver removed from the job.
55. **During nighttime operations (between 8:00 p.m. and 7 a.m.)**, the operator shall hire a monitor (to be approved by the County) to observe vehicle speed and vehicle noise. Each truck will have an identification placard. The monitor will immediately contact plant staff to report violations in the Notice to Drivers contained in Condition 11 above and shall maintain a written record of each incident. Plant staff will contact the hauler to require that they follow the requirements in the Notice to Drivers. If a driver is found to violate the requirements a second time, the driver shall not be loaded and will be removed from the job.
56. Traffic monitoring shall occur every night for the first ten days of a new job and if there are no violations, monitoring shall continue on a random basis, no less than 50% of the time. If one or more violations are reported during the first 10 days of a new job, monitoring shall continue full time every night until 10 successive days of night work pass without a violation.
57. The operator shall maintain logs with three years of records that will be made available to county staff for inspection at any time:
- h. A complaint log tracking the number of days per year that nighttime operations occur.
 - i. A log of plant operations and associated trucking indicating the times of operation and number of truck trips.
 - j. A log of quantities of rock, asphalt and recycled material sold from the site for each month.
- The format of the logs shall be approved by the Department of Planning and Building and an annual copy shall be sent to the department.
58. The operator shall submit a report documenting violations of the requirement contained in the Notice to Drivers and remedial actions taken to the Department of Planning and Building on a quarterly basis in a format approved by the department.
59. **During times when large sales of asphalt and rock/recycle are anticipated**, the operator shall contact the railroad to determine if blocking of the access road is likely. If it is determined that this condition is imminent, the operator shall make arrangements to provide traffic safety control measures on El Camino Real. This may involve use of the operator's personnel. Safety control measures may include placement of advance safety signs to alert drivers, and use of flaggers to maintain smooth traffic flow.
60. Santa Margarita residents and the Department of Planning and Building shall be notified of planned nighttime jobs, including the estimated days/hours of operation through notices in

newspapers of local circulation, a community bulletin board and in writing to citizen advisory groups and the department. Area residents shall receive informational material about daytime and nighttime work, the plant phone number to report problems and identify the County-approved monitor. Also, an annual assessment of the extended hours and trucking operating conditions will be conducted by the Department of Planning and Building to assess project impacts on noise and traffic safety.

61. Total truck traffic entering the property to use the recycle plant, asphalt batch plant, rock quarry and other facilities shown on the site plan shall be limited to a maximum of 294 trucks per day (294 round truck trips per day).

Asphalt Plant

62. All rules and regulations of the Air Pollution Control District shall be met as exist or later recommended. A baghouse facility shall be used for the asphalt plant unless better technology is approved by the APCD.
63. The asphalt plant and appurtenant features shall be maintained above the 1969 flood level.
64. The entrance from El Camino Real and the asphalt access road and to the asphalt plant and quarry shall be maintained in a dust-free condition and the cattle guards and railroad crossings be maintained to minimize noise to adjacent areas.
65. The landscaping installed in accordance with the Santa Margarita Quarry Replacement Planting and Screening Project, April 16, 1997, prepared by 2M Associates, along Highway 58 shall be maintained on a regular basis.
66. No stockpile areas shall be located to be visible from El Camino Real.
67. The Asphalt Batch Plant is limited to a maximum size of 8,000 pounds.

Quarry Area

68. This approval (D900016D) authorizes the continued surface mining, primary crushing, and stockpiling of hard granite rock, weathered granite and overburden on a 44 acre parcel, (1999) Assessor's Parcel No. 070-141-054, located directly adjacent on the north and northwest to the existing 41 acre quarry operated by the applicant. Mining operations are to be in accordance with all permits issued by the California Department of Fish and Game, Regional Water Quality Control Board, and the County Air Pollution Control District.
69. Hours of operation for quarrying and moving of material on or from this 44 acre site shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
70. Provide sufficient usable area to park all employee and other project related vehicles entirely on-site within the 147 area overall mining site operated by the applicant.
71. The annual total yield of materials mined from the entire quarry site shall not exceed 700,000 tons.

72. Maintain the landscape screening for blocking view of the quarry from Highway 58. The landscaping was installed in accordance with the Santa Margarita Quarry Replacement planting and Screening Project prepared by 2M Associates, April 16, 1997.
73. The quarry operator shall submit a detailed cost estimate for reclamation of the quarry as required by the Surface Mining and Reclamation Act (SMARA) on an annual basis. Costs shall include an estimate for establishing the final slopes as provided in the reclamation plan.
74. The site shall be inspected annually for evaluation of continuing compliance with the Development Plan and Reclamation Plan approval in accordance with Section 22.08.186 of the County Land Use Ordinance. The operator shall contact the Planning Department to arrange the inspections no less than 30 days before September 10 every year and submit the established inspection fee.

Asphalt and Concrete Recycling

General

75. The asphalt/concrete recycling plant shall consist of a portable crush and screen unit. Only concrete, asphalt, porcelain (bathroom fixtures), glass and related inert materials shall be recycled. The existing recycling equipment shall only be replaced after first obtaining approval from the APCD and only after noise levels generated by the new equipment are shown to the Department of Planning and Building to be equal or less than that generated by the existing unit.
76. The project shall comply with the approved site plan for Development Plan, D900038D.
77. There shall be no expansion outside of the 2 acre site, no added crushing machines or stockpile areas, no new land uses or activities, no office or retail sales or fuel storage, no equipment or vehicle storage except those actively involved with the recycle operation.

Air Quality

78. The applicant shall maintain the access road with 4 inches of base material and appropriate topcoat sealer

Fire Safety

79. The operator agrees to abide by the California Department of Forestry and the Fire Safety Standards (LUE Section 22.05.086) and the mitigation measures as listed in the CDF/SLO County Fire Department Letter dated 1/28/91, regarding portable fire extinguishers, spark arresters, access, vegetation clearance, and final inspection.

Riparian Vegetation

80. To minimize riparian vegetation impacts associated with the recycling operation the applicant agrees there shall be no cutting, alteration, or disturbance of the existing riparian vegetation located adjacent to the site or the recycling facility. All activities that may result in disturbance of riparian vegetation are prohibited.