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RESOLUTION NO. 08-0089

ROBERT DEIS, Clerk of the Board of Supervisors
of the State of California, in & for the County of
Sonoma

DATED: January 29, 2008

BY C Woodson DEPUTY

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, MAKING CERTAIN FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING AN EXPANSION OF THE CANYON ROCK QUARRY CONSISTING OF A 20-YEAR SURFACE MINING USE PERMIT TO EXPAND QUARRY OPERATIONS ON 35± ACRES TO ALLOW THE QUARRY TO ANNUALLY EXPORT A MAXIMUM OF 562,500 CUBIC YARDS OF AGGREGATE MATERIAL, OF WHICH 500,000 CUBIC YARDS COULD CONSIST OF MATERIAL MINED ON-SITE, AND ANNUALLY IMPORT UP TO 62,500 CUBIC YARDS, INCLUDING RECYCLED MATERIAL (APNS 083-210-006, 083-210-015, 083-210-019, 083-210-020), ON PROPERTY LOCATED AT 7525 HIGHWAY 116 NORTH, FORESTVILLE; ZONED RRD (RESOURCES AND RURAL DEVELOPMENT), B6-160 ACRE DENSITY, SR (SCENIC RESOURCES), BR (BIOTIC RESOURCE), F2 (FLOODPLAIN), MR (MINERAL RESOURCE); SUPERVISORIAL DISTRICT NO. 5 (PLP97-0046)

RESOLVED, that the Board of Supervisors ("the Board") of the County of Sonoma ("the County") hereby finds as follows:

1. Procedural History

1.1 Wendel Trappe ("the Project Applicant") filed Application PLP 97-0046 with the County's Permit and Resource Management Department ("PRMD") to obtain the entitlements necessary to expand the mining area of the Canyon Rock Quarry (hereinafter "the Proposed Project").

1.2 On June 20, 2006, the Board adopted Ordinance No. 5667, which amended the zoning maps of the County by reclassifying 113.77± acres of real property at the Project site to add the MR (Mineral Resource) combining district to the current zoning ("the MR Zone Change").

1.3 On June 20, 2006, the Board adopted Resolution No. 06-0595, which certified a final environmental impact report (hereinafter "Final EIR") for the Proposed Project.

1.4 On June 20, 2006, the Board adopted Resolution No. 06-0596, which adopted findings, mitigation measures, a monitoring program, and a statement of overriding considerations and approved a 20-year surface mining use permit to expand Canyon Rock's Quarry operations onto 35± acres ("the Northern Expansion Area") with an annual production limit of 500,000 cubic yards per year, plus 62,500 cubic yards in recycling per year ("Use Permit PLP 97-0046"), and approved a reclamation plan covering both a vested rights area and the expansion mining area at the Project site ("the Reclamation Plan").

1.5 On July 17, 2006, Forestville Citizens for Sensible Growth ("Petitioner") filed a Petition for Writ of Mandate challenging the Board's certification of the Final EIR and approval of the Project (*Forestville Citizens for Sensible Growth v. County of Sonoma et al.*, Sonoma County Superior Court Case No. 238992) (hereinafter "the Petition").

1.6 On August 28, 2007, the Sonoma County Superior Court entered Judgment granting *in part* and denying *in part* the Petition. The Court upheld all of the Board's actions as set forth in Ordinance No. 5667 and Resolutions 06-0595 and 06-0596, except the approval of Use Permit PLP 97-0046. The Court found that the production allowances stated in Condition 42 of Use Permit PLP 97-0046 ("Original Permit Condition No. 42") could result in an additional 4,400 truck trips that were not considered in the Final EIR traffic analysis. The Court issued a Peremptory Writ of Mandate directing the Board to set aside its June 20, 2006 approval of Use Permit PLP97-0046 and to not approve the same or a new use permit for the Project until it held a public hearing and fully complied with the California Environmental Quality Act ("CEQA"). The Court upheld the Board's certification of the Final EIR and approval of the MR Zone Change and the Reclamation Plan.

1.7 On October 24, 2007, in accordance with the Peremptory Writ of Mandate, the Board adopted Resolution No. 07-0894, which amended Resolution No. 06-0596 to set aside any and all portions of that resolution that constitute approval of Use Permit PLP97-0046. The remainder of Resolution No. 06-0596 remains in full force and effect. Resolution No. 07-0894 did not vacate Board certification of the Final EIR or Board approval of the MR Zone Change or the Reclamation Plan.

1.8 On November 21, 2007, the Project Applicant submitted a written request that the County re-approve Use Permit PLP97-0046 with modifications to the first paragraph of Original Permit Condition No. 42 (hereinafter "Modified Permit Condition

No. 42”) (the rest of Original Permit Condition No. 42 would remain unchanged). The Project Applicant indicated that the amendments are intended to correct a problem in the wording of Original Permit Condition No. 42, and to ensure that production would not generate truck traffic beyond that analyzed in the Final EIR. The Project Applicant also noted that the Project configuration differs slightly from that analyzed in the Final EIR, in that it would increase the total amount of materials processed on site, and thus could result in slight increases in air emissions, noise generated from processing equipment, and water demand.

1.9 Based on the Project Applicant’s request, the County has prepared an Addendum to the Final EIR (“the Addendum”) pursuant to CEQA and the State CEQA Guidelines (California Code of Regulations, title 14, §15000 *et seq.*). A true and correct copy of the Addendum is attached hereto as Exhibit “A” and incorporated herein by this reference.

1.10 As requested by the Project Applicant, Modified Permit Condition No. 42 would allow the Quarry to annually export a maximum of 562,500 cubic yards of aggregate material. Of this amount, up to 500,000 cubic yards could consist of material mined on-site, and up to 62,500 cubic yards could consist of material imported to the site, including recycled material.

1.11 The Board has had an opportunity to review this resolution and the findings, determinations, declarations, and orders contained herein and the exhibits hereto and hereby finds that they accurately set forth the intentions of the Board regarding the Addendum and Modified Permit Condition No. 42.

2. CEQA Compliance

2.1 The Final EIR disclosed that the Proposed Project poses certain significant or potentially significant adverse environmental impacts that can be mitigated to less than significant levels. Those impacts were fully and accurately summarized in Exhibit “A” to Resolution No. 06-0596, which is incorporated herein by this reference. The Board determined that the significant adverse environmental impacts of the Proposed Project summarized in Exhibit “A” to Resolution No. 06-0596 have been eliminated or reduced to a point where they would clearly have no significant effect on the environment.

2.2 The Final EIR disclosed that the Proposed Project posed certain significant or potentially significant adverse environmental impacts that, even after the inclusion of mitigation measures, may not, or cannot, be avoided if the Proposed Project is approved. Those impacts, which relate to transportation and traffic, secondary impacts resulting from off-site mitigation measures, biological resources, noise, and aesthetics, were fully

and accurately summarized in Exhibit "B" to Resolution No. 06-0596, which is incorporated herein by this reference.

2.3 By Resolution No. 06-0596, as to the significant unavoidable environmental impacts of the Proposed Project identified in the Final EIR, the Board found that specific economic, social, technological, or other considerations made additional mitigation of those impacts infeasible, in that all feasible mitigation measures had been incorporated into the Proposed Project, and that the project alternatives were infeasible. The Board further found that it balanced the benefits of the Proposed Project against its unavoidable environmental risks and determined that the benefits of the Proposed Project outweighed the unavoidable adverse environmental effects. The Board further determined that the unavoidable adverse environmental effects of the Proposed Project were acceptable, that there were overriding considerations which support the Board's approval of the Proposed Project, and that those considerations were identified in Exhibit "C" to Resolution No. 06-0596.

2.4 The Final EIR described a range of reasonable alternatives. Those alternatives were fully and accurately summarized in Exhibit "D" to Resolution No. 06-0596, which is incorporated herein by this reference. Those alternatives, however, were infeasible for reasons set forth in Exhibit "D" to Resolution No. 06-0596 and in the administrative record.

2.5 The Board finds and determines that to the extent that Resolution No. 07-0894 rescinded in whole or in part any of the findings and determinations that the Board made in regard to Exhibits "A", "B", "C", or "D" attached to Resolution No. 06-0596, the Board hereby re-adopts the findings made in said exhibits and in particular sections 2.3, 2.4, 2.5, and 2.6 of Resolution No. 06-0596.

2.6 State CEQA Guidelines Section 15164, subdivision (a), provides that the County shall "prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." (State CEQA Guidelines, §15164, subd. (A); *see also* Pub. Resources Code, § 21166 [providing that no new EIR is required unless "[s]ubstantial changes are proposed in the project which will require major revisions of the [EIR]".) An addendum need not be circulated for public review or comment, but must be considered by the agency before making its decision on the project. (State CEQA Guidelines, § 15164, subds. (c), (d).) The State CEQA Guidelines state that an agency should include a brief explanation of its decision not to prepare a subsequent EIR in the addendum, the agency's findings on the project, or elsewhere in the record. (State CEQA Guidelines, § 15164, subd. (e).) The agency's explanation must be supported by substantial evidence. (*Id.*)

2.7 The Addendum discloses the difference in impacts that would result from Modified Permit Condition No. 42 as compared to those analyzed in the EIR. As referenced above, Modified Permit Condition No. 42 would allow the Quarry to annually export a maximum of 562,500 cubic yards of aggregate material. Of this amount, up to 500,000 cubic yards could consist of material mined on-site, and up to 62,500 cubic yards could consist of material imported to the site, including recycled material. The Board finds that although Modified Permit Condition No. 42 would authorize annual production of an additional 62,500 cubic yards of aggregate, it would not change the Quarry's estimated 20 year grading footprint. Modified Permit Condition No. 42 similarly would not change other aspects of the Project Description. The Quarry's hours of operation, placement and use of on-site mobile and stationary equipment, management of material, number of employees, blasting patterns, and drainage management facilities would be exactly the same as described in the Reclamation Plan and as analyzed in the Final EIR.

2.8 The Addendum discloses the impacts of the Proposed Project and Modified Permit Condition No. 42 on traffic and transportation, air quality, noise, hydrology and water quality, land use and planning, geology, seismicity and mineral resources, hazard's and hazardous materials, biological resources, aesthetics, public services and utilities, cultural resources. It also discloses the impacts on cultural resources and the cumulative impacts of the Proposed Project.

2.9 The Addendum discloses and the Board finds that the Proposed Project and Modified Permit Condition No. 42 will not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to the Proposed Project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the Final EIR.

2.10 With Modified Permit Condition No. 42, the Board again finds, with respect to the significant unavoidable impacts of the Proposed Project identified in the Final EIR, that specific economic, social, technological, or other considerations make additional mitigation of those impacts to be infeasible, in that all feasible mitigation measures have been incorporated into the Proposed Project, and that the project alternatives are infeasible. The Board again finds that it has balanced the benefits of the Proposed Project against its unavoidable environmental risks and determines that the benefits of the Proposed Project outweigh the unavoidable adverse environmental effects. The Board further determines that the unavoidable adverse environmental effects of the Proposed Project are acceptable, that there are overriding considerations that support the Board's approval of the Proposed Project, and that those considerations are identified in Exhibit

“B”, attached hereto and incorporated herein by this reference (“the Statement of Overriding Considerations”).

2.11 To ensure that the project revisions and mitigation measures identified in the Final EIR are implemented, the Board is required by CEQA and the State CEQA Guidelines to adopt a mitigation monitoring program on the revisions the Board has required in the Proposed Project and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Proposed Project (“the Mitigation Monitoring Program”) is set forth in the conditions of approval imposed herein, attached hereto as Exhibit “C” and incorporated herein by this reference. The Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA, the State CEQA Guidelines, and local ordinances.

2.12 Prior to the public hearing on January 29, 2008, the Board received a letter from Allan G. Tilton of Forestville, in which he requested that the Board consider a roundabout instead of a signalization at Mirabel and State Route 116. The Board specifically finds that requiring the Project Applicant to pay its fair share to mitigate traffic impacts would not constitute approval or otherwise commit the County to any specific engineering design. In particular, intersection improvements at State Route 116 and Mirabel Road is a separate project that will require approval by the California Department of Transportation (“Caltrans”), and is currently undergoing CEQA review. The final design has not been selected, and will be influenced by engineering feasibility, the environmental analysis, and public comments solicited during that CEQA process.

2.13 Prior to the public hearing on January 29, 2008, the Board received a letter from Shute, Mihaly & Weinberger, LLP, on behalf of Forestville Citizens for Sensible Growth, which raised three issues. With regard to the first issue, the Board finds that it need not refrain from approving this use permit until Forestville Citizens for Sensible Growth completes its litigation challenging Board’s actions in regard to the prior use permit. With regard to the second issue, the Board finds that this use permit would not result in an increase in on-site mining beyond that analyzed in the EIR. The Project analyzed in the EIR consisted of 500,000 cubic yards of annual production, of which 125,000 cubic yards could—but was not required to—consist of imported material. The EIR’s traffic analysis analyzed the impacts of full importation because that represented the “worst case” for traffic impacts. The Addendum has been revised to reflect these facts. With regard to the third issue, the Board finds that its approval of this use permit does not establish a precedent regarding aggregate recycling by other projects.

2.14 The Board finds that no significant new information has been presented, orally or in writing, that would trigger any requirement to prepare a Supplemental EIR or to modify its environmental determinations with respect to the Proposed Project.

3. General Plan, ARM Plan, Zoning, and SMARO Compliance

3.1 By Resolution No. 06-0596, it was determined that the Proposed Project is consistent with the Sonoma County General Plan ("the General Plan"). The findings and determinations set forth in Resolution No. 06-0596, and specifically section 3.1 *et seq.*, are incorporated herein by this reference. The Board finds that the Proposed Project and Modified Permit Condition No. 42 are consistent with the General Plan.

3.2 By Resolution No. 06-0596, it was determined that the Proposed Project is consistent with the ARM Plan. The findings and determinations set forth in Resolution No. 06-0596, and specifically section 3.2 *et seq.*, are incorporated herein by this reference. The Board finds that the Proposed Project and Modified Permit Condition No. 42 are consistent with the ARM Plan.

3.3 If carried out in accordance with this resolution, the conditions of approval imposed herein, and state reporting requirements, the Proposed Project is and will be in compliance with the State Surface Mining and Reclamation Act.

3.4 The Board adopted Ordinance No. 5667, which amended the zoning maps of the County by reclassifying 113.77± acres of real property at the Project site to add the MR (Mineral Resource) combining district to the current zoning (i.e., the MR Zone Change). With the MR Zone Change, the Project Site is zoned RRD (Resources and Rural Development) B6-160 acre density MR (Mineral Resources), BR (Biotic Resources), SR (Scenic Resources), and F2 (Secondary Flood Plain). Processing of mineral resources are conditional uses requiring a use permit in the RRD (Resources and Rural Development) MR (Mineral Resources) zoning district. The Proposed Project is, therefore, consistent with the permitted uses in the RRD (Resources and Rural Development) B6-160 acre density MR (Mineral Resources) zoning districts.

3.5 By Resolution No. 06-0596, section 3.5 *et seq.*, the Board made additional General Plan and Zoning findings in connection with the Proposed Project. Those findings are incorporated herein by this reference.

3.6 The establishment, maintenance, and operation of the uses and facilities included in the Proposed Project and the approval herein of a use permit for the Northern Expansion Area ("the Northern Expansion Area Use Permit") to allow 20-year mining of aggregate materials, as conditioned herein, will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the area, nor

will it be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The circumstances of this particular case are:

(a) The types of uses included in the Proposed Project were anticipated by the General Plan, and policy and land use designations were established to allow mining on the site.

(b) The Northern Expansion Area Use Permit will, as conditioned herein, provide for comprehensive control of the uses at the Project Site and incorporate all of the mitigation measures identified in the Final EIR and the ARM Plan Program EIR to ensure that environmental quality is maintained. The conditions of approval imposed herein include limits on production capacity, requirements for noise control, control of surface runoff, landscaping and design of facilities, mitigation of biological impacts, and ongoing monitoring.

(c) The mitigation measures for the Proposed Project include installation of roadway improvements in the vicinity of the Project Site that address traffic and circulation effects. If, as expected, Caltrans approves the installation of the road improvements, the Proposed Project will have a material beneficial effect on traffic and circulation in the area. Traffic improvements required of the Proposed Project are sufficient to conclude that the Proposed Project does not contravene the general welfare standard as a result of the potentially significant impacts identified in Exhibit "B" to Resolution No. 06-0596.

4. Application of Use Permit Conditions to Vested Rights Parcels

4.1 At the March 14, 2006 Board hearing, the Project Applicant made a voluntary offer to implement all the conditions of approval imposed by the Board for mining and processing within its vested parcels (APNs 083-130-082, -083, -084, and -085) as long as the use permit approved by the Board remains in effect and to record a deed restriction, in the form of a covenant, condition and restriction. The Project Applicant made this offer subject to the conditions set forth in Section 4.1 of Resolution No. 06-0596, and continues to consider those conditions to be an essential part of the offer. The Board continues to consider the Project Applicant's offer, as set forth in section 4.1 of Resolution No. 06-0596, an essential part of the Proposed Project and has relied on the offer in deciding to re-approve the Proposed Project, without superseding any vested rights that might currently exist. The form of the deed restriction is set forth in Exhibit "F" to Resolution No. 06-0596, which is incorporated herein by this reference.

5. Evidence in the Record

5.1 In making the findings and determinations set forth above and in the exhibits attached hereto and the exhibits to Resolution No. 06-0596 referenced herein, the Board, on occasion, references specific evidence in the record. No such specific reference is intended to be exclusive or exhaustive. Rather, the Board has relied on the totality of the evidence in the record of these proceedings in reaching its decisions herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board, based on the foregoing findings and the record of these proceedings, hereby declares and orders as follows:

1. The foregoing findings, and the findings and determinations set forth in the exhibits attached hereto and referenced herein, are true and correct, are supported by substantial evidence in the record, and are adopted as set forth herein.

2. The Statement of Overriding Considerations is adopted as made in Section 2.10 and set forth in Exhibit "B."

3. A 20-year use permit for the Northern Expansion Area is approved, subject to the conditions of approval and the Mitigation Monitoring Program set forth in Exhibit "C."

4. The Mitigation Monitoring Program as set forth in Exhibit "C" is adopted. PRMD is directed to undertake monitoring in accordance with the Mitigation Monitoring Program to ensure that required project revisions and mitigation measures are complied with during project implementation.

5. The Clerk of the Board of Supervisors is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

SUPERVISORS:

BROWN: Aye SMITH: Aye KELLEY: Aye REILLY: No KERNS: Aye

AYES: 4 NOES: 1 ABSENT: 0 ABSTAIN: 0

SO ORDERED.

ADDENDUM
TO THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE CANYON ROCK QUARRY EXPANSION PROJECT

SCH # 2000072063

Lead Agency: County of Sonoma

January 2008

Prepared by:
County of Sonoma
Permit and Resource Management Department
2550 Ventura Ave
Santa Rosa, CA 95403-2829

I. OVERVIEW

The County of Sonoma has prepared this Addendum to the Canyon Rock Quarry Expansion Project Final Environmental Impact Report ("EIR") (SCH # 2000072063), certified June 20, 2006, for the purpose of examining the applicant's request for a minor modification to the Canyon Rock Quarry Surface Mining Permit Conditions of Approval and Mitigation Monitoring Plan ("Modified Permit Condition") necessary to ensure that the Project would not generate truck traffic or other impacts beyond those analyzed in the EIR.

II. BACKGROUND

In 1997, Mr. Wendel Trappe submitted an application for a Use Permit and other entitlements to allow him to continue producing aggregate at the Canyon Rock Quarry, which has been operating since the early 1940s and has been operated by the Trappe family for approximately 34 years. The quarry has a vested right to produce at least 500,000 cubic yards of aggregate per year, and was identified for future expansion in the 1994 Sonoma County Aggregate Resources Management Plan and Program EIR.

The County prepared a full EIR analyzing Mr. Trappe's application under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.). The EIR disclosed and analyzed the environmental impacts that would result from constructing and operating the proposed project, mitigated them to the maximum extent feasible, and evaluated several reasonable alternatives. The County Planning Commission and Board of Supervisors received substantial public testimony both for and against the proposed project, and considered the testimony, EIR, and project on numerous occasions between June 2004 and June 2006.

On June 20, 2006, the Sonoma County Board of Supervisors ("Board") adopted an ordinance and two resolutions certifying the EIR and approving the project. Ordinance No. 5667 amended the County zoning maps to add the MR (Mineral Resource) Combining District to the property's existing zoning. Resolution No. 06-0595 certified the EIR. Resolution No. 06-0596 approved a 20-year surface mining permit and a reclamation plan for the project, and adopted certain findings, mitigation measures, a monitoring program, and a statement of overriding considerations. Both resolutions described the project as an expansion of quarry operations "with an annual production limit of 500,000 cubic yards per year, plus 62,500 cubic yards in recycling per year."

The Forestville Citizens for Sensible Growth thereafter prosecuted a writ of mandate action challenging the Board's decisions to add the MR zoning, certify the EIR, and approve the surface mining permit and reclamation plan (Forestville Citizens for Sensible Growth v. County of Sonoma, et al. (Sonoma Superior Court No. SCV 238992)). In July 2007, the Court rejected all but one of the group's arguments, and upheld the Board's decisions to add the MR zoning, certify the EIR, and approve the reclamation plan. Those Board decisions have been appealed by the group, but are immune from collateral attack via this Addendum.

The Court also found that Condition 42 of the final Permit Conditions of Approval and Mitigation Monitoring Plan allowed approximately 4,400 additional Project-related truck trips that had not been analyzed in the EIR. Although the Board's approving resolutions had

authorized annual production of 500,000 cubic yards and 62,500 cubic yards of recycled material, Condition 42 provided (in relevant part):

In no case shall the amount of material sold or exported in any one year from the entire quarry operation exceed 500,000 cubic yards (excluding recycled materials) unless a modification to this Use Permit is first obtained. A maximum of 125,000 cubic yards of aggregate materials (including recycled materials) may be imported from outside sources each year. In no case shall the total amount of material sold or exported (including material imported from outside sources) exceed 562,500 cubic yards each year.

The Court found that by allowing 125,000 cubic yards of annual importation, the condition authorized not only the 62,500 cubic yards of recycled material approved by the Board, but importation of another 62,500 cubic yards as well. This importation, the Court found, would result in approximately 4,400 truck trips not analyzed in the EIR.

The Court therefore directed the County to "set aside the June 20, 2006 approval of Use Permit PLP97-0046 and not approve the same or a new use permit for the Project until the County has held a public hearing on any proposed use permit for the Project and fully complied with the California Environmental Quality Act." As noted above, the Court upheld the Board's certification of the EIR and approval of the MR rezone and other project entitlements.

On October 24, 2007, the Board of Supervisors adopted Resolution No. 07-0894, which amended Resolution No. 06-0596 to set aside any and all portions of that resolution that constitute approval of use permit PLP97-0046.

On November 21, 2007, Canyon Rock submitted a written request that the County reapprove use permit PLP97-0046 with the following amendments to the first paragraph of Condition 42 (the rest of the Condition would remain unchanged):

This Use Permit allows continued operation of mining/rock extraction, processing, rock crushing, screening and stockpiling, and concrete/asphalt recycling supported by an office, two scales, shop operations and a caretaker mobile home, with 22 employees on APNs 083-130-082, -083, -084, and -085 as described in the Canyon Rock Company surface mining application dated September 18, 2002, as modified by these conditions. The volume of material of all types exported from the Quarry shall not exceed 562,500 cubic yards in any one year. Of this amount, no more than 500,000 cubic yards shall consist of material mined on-site. In no case shall the amount of material imported to the site, including recycled materials, exceed 62,500 cubic yards in any one year. In no case shall the amount of material sold or exported in any one year from the entire quarry operation exceed 500,000 cubic yards (excluding recycled materials) unless a modification to this Use Permit is first obtained. A maximum of 125,000 cubic yards of aggregate materials (including recycled materials) may be imported from outside sources each year. In no case shall the total amount of material sold or exported (including material imported from outside sources) exceed 562,500 cubic yards each year.

Canyon Rock explained that these amendments are intended to correct a problem in the wording of the original Condition 42, and to ensure that production would not generate truck traffic beyond that analyzed in EIR. Canyon Rock also noted that this project configuration differs slightly from that analyzed in the EIR, in that it would increase the total amount of materials processed on site, and thus could result in slight increases in air emissions, noise generated from processing equipment, and water demand.

This Addendum has been prepared to address these and all other potential impacts of the Modified Permit Condition.

III. CEQA STANDARD

The County of Sonoma has prepared this Addendum pursuant to CEQA and the CEQA Guidelines.¹ Specifically, CEQA Guidelines Section 15164, subdivision (a), provides that the County shall “prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (CEQA Guidelines, § 15164, subd. (a); see also Pub. Resources Code, § 21166 [providing that no new EIR is required unless “[s]ubstantial changes are proposed in the project which will require major revisions of the [EIR]”].)

Section 15162 of the CEQA Guidelines provides that:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

¹ California Code of Regulations, title 14, § 15000 et seq.

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

(CEQA Guidelines, § 15162, subd. (a).)

An addendum need not be circulated for public review or comment, but must be considered by the agency before making its decision on the project. (CEQA Guidelines, § 15164, subs. (c), (d).) The Guidelines state that an agency should include a brief explanation of its decision not to prepare a subsequent EIR in the addendum, the agency’s findings on the project, or elsewhere in the record. (CEQA Guidelines, § 15164, subd. (e).) The agency’s explanation must be supported by substantial evidence. (*Id.*)

IV. ANALYSIS

This Addendum examines the difference in impacts that would result from the Modified Permit Condition as compared to those analyzed in the EIR. The Addendum specifically evaluates whether the County’s reapproval of the use permit with the Modified Permit Condition would trigger the need for a subsequent EIR under CEQA Guidelines, § 15162, subd. (a). The Addendum examines whether approval would result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to:

- (1) Substantial changes proposed in the project;
- (2) Substantial changes that would occur with respect to the circumstances under which the project is undertaken; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

This Addendum necessarily relies on the Final EIR prepared and certified for the Project, and hereby incorporates that document by reference. For ease of reference, this Addendum follows the general organizational framework used in the EIR.

A. Project Description

As described above, the Modified Permit Condition would allow the Quarry to annually export a maximum of 562,500 cubic yards of aggregate material. Of this amount, up to 500,000 cubic yards could consist of material mined on-site, and up to 62,500 cubic yards could consist of material imported to the site, including recycled materials.

The EIR Project Description assumed that 500,000 cubic yards of material would be mined and processed on-site each year. (EIR, at pp. III-16 to -17.)

The Reclamation Plan analyzed in the EIR establishes the 20-year grading plan to "show the maximum extent of mining at 500,000 cubic yards of material/per year for twenty years." (Canyon Rock Reclamation Plan, at p. 12.) The Reclamation Plan, at Exhibit 4, contains a map showing the estimated Quarry grading footprint after twenty years. (Ibid. at Exhibit 4.) This Exhibit was incorporated into the EIR at Fig. III-11 and others.

Although the Modified Permit Condition would authorize annual production of an additional 62,500 cubic yards of aggregate, it would not change the Quarry's estimated 20-year grading footprint. The Modified Permit Condition would not change the size, location, or footprint of the project described in the EIR.

The Modified Permit Condition similarly would not change other aspects of the Project Description. The Quarry's hours of operation, placement and use of on-site mobile and stationary equipment, management of material, number of employees, blasting patterns, and drainage management facilities would be exactly the same as described in the Reclamation Plan and as analyzed in the EIR. Thus, the EIR's Project Overview, Project Objectives, Site Location and Description, Existing Operations and Production, Background, Potential Subsequent Mining Beyond Proposed 20-Year Limit of Grading and Permit Requirements sections all remain unchanged.

B. Environmental Issues, Impacts, and Mitigation Measures

1. Traffic and Transportation

The EIR's traffic analysis assumed a "worst case" scenario in which the Project would process 375,000 cubic yards per year of material mined on-site, and 125,000 cubic yards per year of recycled material. (EIR, at p. IV.A-18.) The EIR determined that this production would generate 44,014 truck loads (at 14.2 cubic yards each), including 35,211 outbound loads for total processed aggregate, and 8,803 for inbound recycled material. (Ibid.) The EIR assumed that each loaded outbound truck would arrive empty, and each loaded inbound truck would leave empty. (EIR, at p. IV.A-19.)

Put another way, the EIR assumed that of the 44,014 trucks that would arrive and depart from the Quarry each year, 8,803 would arrive loaded with recycled material and 35,211 would arrive empty, and that 8,803 would leave empty and 35,211 would leave loaded with processed material.

The Modified Permit Condition would not generate truck trips beyond the 44,014 analyzed in the EIR. Under the Modified Permit Condition, a total of 4,401 trucks would arrive loaded with recycled material (the equivalent of 62,500 cubic yards) and 39,613 would arrive empty; 4,401 would leave empty and 39,613 would leave loaded with processed material (the equivalent of 562,500 cubic yards).

The following table compares the number of loaded inbound and outbound trucks under the EIR to the revised Permit Condition.

Scenario	Production (cy/yr)	Truck Trips
DEIR "Project Case"		
Outbound Loads (total)	500,000	35,211
Inbound Loads (total)	125,000	8,803
Total		44,014
Modified Permit Condition		
Outbound Loads (total)	562,500	39,613
Inbound Loads (total)	62,500	4,401
Total		44,014

The Modified Permit Condition would generate the identical number of annual truck trips analyzed in the EIR. Therefore, approval of the Modified Permit Condition would not result in any new effects or a substantial increase in the severity of previously identified significant effects related to annual truck traffic.

The Modified Permit Condition similarly would not result in changes to the traffic distribution pattern or peak volume analysis in the EIR. Under the Modified Permit Condition, 65% of all inbound and outbound trucks would continue to use Mirabel and River Roads, while 35% would use Highway 116 through Forestville. (EIR, at p. IV.A-19.) This distribution pattern does not depend on whether a truck is loaded or empty. (*Ibid.*) Similarly, the EIR based its peak volume analysis only on the total number of inbound and outbound trucks over a given period (e.g., one hour), and it does not depend on whether those trucks are loaded or empty. (*Ibid.*) As a result, the Modified Permit Condition would not result in changes to the EIR's analysis of the overall distribution pattern and the peak volume traffic.

Finally, the Modified Permit Condition would not change the Quarry's hours of operation or number of employees, and thus would not change any traffic or transportation impacts caused by those uses.

For these reasons, the Modified Permit Condition would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

2. Air Quality

The EIR analyzed potential air quality impacts based on proposed annual production level increases from the baseline of 375,000 cubic yards to 500,000 cubic yards. (EIR, at p. IV.B-17.) The EIR analyzed the emissions of several criteria air pollutants (SO₂, NO_x, PM₁₀, ROG, and CO), based on the various operations that will take place at the Quarry, including off-site truck traffic. (EIR, at p. IV.B-19, Table IV.B-7.) As the EIR noted:

A majority of the baseline emissions of ROG, CO, NO_x, SO₂ and DPM are a result of off-site haul trucks (i.e., 89%, 95%, 95%, 55%, and 58%, respectively). In contrast, a majority (approximately 89%) of the PM10 baseline emissions are due to on-site operations.

(EIR, at p. IV.B-13.) Thus, the vast majority of the project-related air emissions would result from off-site truck traffic. On-site equipment could play a significant role in PM10 emissions and a lesser role in emissions of other pollutants.

The Modified Permit Condition would result in exactly the same amount of off-site truck traffic as the Project Case. As a result, reapproval of the use permit with the Modified Permit Condition would not result in traffic-related emissions beyond those analyzed in the EIR.

The Modified Permit Condition would result in the use of onsite equipment to process up to 562,500 cubic yards of material per year, a 12.5% increase over the Project Case. The following table quantifies the air quality impacts of the Modified Permit Condition by increasing by 12.5% the Project emissions identified in Table IV.B-7 of the EIR. The table overestimates the change in emissions for ROG, CO, NO_x, SO₂ and DPM, since those emissions would largely result from off-site truck traffic that would not increase under the Modified Permit Condition. Since onsite activities would result in some emissions of those pollutants, the blanket 12.5% increase provides a useful (if conservative) tool to determine whether a subsequent EIR is necessary.

Pollutant	Net Change in Emissions (tons per year)									
	SO ₂		NO _x		PM10		ROG		CO	
	2007	2021	2007	2021	2007	2021	2007	2021	2007	2021
Years										
Total Net Change in Project Emissions (Project Description, Table IV.B-7.)	1.66	1.70	-2.29	-51.6	7.18	5.77	-1.06	-8.10	-25	-94
Total Net Change in Project Emissions (Modified Permit Condition)	1.87	1.91	-2.00	-45.2	8.08	6.49	-0.93	-7.1	-21.9	-82.3
Significance Threshold	40	40	40	40	15	15	40	40	100	100

As the above table demonstrates, even under the most conservative estimate the Modified Permit Condition emissions would not approach, let alone exceed, the applicable significance thresholds.

After publication of the EIR, the California Air Resources Board (CARB) reclassified northern Sonoma County's State Area Designation for PM10 from non-attainment to attainment, effective July 26, 2007. (<http://www.arb.ca.gov/desig/adm/adm.htm>.) It is also important to note that the EIR estimated hourly emissions from on-site stone crushers based on a production level of 8,000 tons per day. (EIR, Appendix E, at p. E-3.) Because the Modified Permit

Condition would not change the number of crushers on the site or the length of the work day, the maximum hourly emissions would remain unchanged.

As a result, the Modified Permit Condition would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to emissions of criteria pollutants due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

Similarly, the Modified Permit Condition would not result in a new significant or substantially more severe impact related to global climate change due to changes in the project or its circumstances, or new information that was not known and could not have been known at the time the Board certified the EIR.

To the contrary, global climate change arose as a significant environmental issue many years before the Board certified the EIR in June 2006. Numerous scientific studies and reports addressing the issue were published in the 1990s and 2000s, the Kyoto Protocol was negotiated in 1997 and entered into force in February 2005, and many television and motion picture documentaries (including *An Inconvenient Truth*) were released before June 2006. In 2005, Governor Schwarzenegger issued Executive Order S-3-05, which set forth a series of target dates for progressively reducing statewide emissions of greenhouse gases (GHGs). By June 2006 the Legislature had introduced and amended the Global Warming Solutions Act, which requires CARB to design and implement feasible and cost-effective measures to reduce statewide GHG emissions to 1990 levels by 2020.

Both as of June 2006 and of this writing, however, neither CARB nor any other state, federal, or local regulatory body had developed guidelines for analyzing or mitigating GHG emissions in a CEQA document. Nor had any regulatory body developed a threshold for determining whether project-level GHG emissions would be significant or cumulatively considerable under CEQA. To the contrary, in August 2007 Governor Schwarzenegger signed SB 97, which requires the California Resources Agency, by 2010, to certify and adopt guidelines for the mitigation of GHG emissions and their effects, including effects associated with transportation.

The global climate change issue thus does not represent new information that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No party challenged the EIR on the basis of GHG emissions or global warming, nor argued that the Project Case should be reanalyzed on this issue. The EIR has been certified by the Board and upheld by the Superior Court, and is immune from collateral attack.

In addition, the record before the Board shows that the Modified Permit Condition would not result in a new significant effect related to global climate change, nor a substantial increase in the severity of a previously identified significant effect.

Project-related emissions of GHGs (carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, perfluorocarbons, hydrofluorocarbons, and water vapor) would primarily result from the additional truck traffic necessary to increase annual production above 375,000 cubic

yards. As noted above, the Modified Permit Condition would result in exactly the same off-site truck traffic as the project configuration analyzed in the EIR. As a result, approval of the Modified Permit Condition would not result in any new or additional traffic-related GHG emissions beyond that project configuration.

The Modified Permit Condition would also authorize a 12.5% increase in use of on-site mining equipment, and is thus expected to result in a 12.5% increase in GHG emissions from that equipment. As noted above, however, neither CARB nor any other regulatory body has promulgated a methodology or standard for determining whether such an increase would be significant or cumulatively considerable. Moreover, approval of the Modified Permit Condition would help satisfy the well-documented need for aggregate in Sonoma County, and therefore reduce the need for out-of-county importation by truck. Out-of-county importation involves far longer truck trips and thus increased significantly increased emissions of air pollutants, including GHG emissions. As a result, approval of the Modified Permit Condition would likely reduce local, state, and worldwide GHG emissions as compared to a no-project or reduced-project alternative, and help rather than hinder attainment of AB 32 and other GHG reduction targets.

For these reasons, the Modified Permit Condition would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect related to global climate change due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

3. Noise

The EIR based its noise analysis on the assumption that 500,000 cubic yards per year would be mined onsite. (See EIR, at p. IV.C-17.) The EIR stated that noise generated by the Project could change from baseline conditions in three principal ways: (1) Location of Mobile and Stationary Equipment Under the Project; (2) Changes in Site Topography Under the Project; and (3) Increased Accumulated Noise Exposure Throughout the Year. (EIR, at pp. IV.C-17 – C-18.) In addition, the Project could also generate noise impacts from offsite vehicular traffic. (Ibid.)

The Modified Permit Condition would limit onsite mining to 500,000 cubic yards, and would not change the quantity and types of on-site mobile and stationary equipment, the hours of operation, or blasting schedules. The Modified Permit Condition proposes the identical estimated 20-year Quarry footprint as that identified and analyzed in the EIR. Therefore, the noise impacts resulting from items (1) and (2) would remain unchanged, because the site topography and location of on-site mobile and stationary equipment would be the same as under the Project Description analyzed in the EIR.

The Modified Permit Condition would result in the onsite processing of an additional 62,500 cubic yards of material per year, an increase of 12.5% compared to the Project Description. Therefore, although the noise generation for any given day would remain unchanged (because the onsite equipment and hours of operation would not change), the total number of days per year that partial or full Quarry operation would occur would increase by up

to 12.5% compared to the Project Description. This can be expected to increase the accumulated noise exposure throughout the year by an equivalent amount.

The EIR analyzed the potential increased accumulated noise exposure caused by annual operation of on-site processing equipment by determining the estimated increase in yearly average CNEL, or L_{dn} , based on the number of operating days the Quarry's plants were expected to run to annually produce 500,000 cubic yards. (EIR, p. IV.C-19.) The EIR showed that under all potential operating scenarios, the Project-related increase in yearly averaged CNEL would be less than 1 dB, a less than significant impact. (EIR, p. IV.C-19 to -20, and EIR, Appendix F, Fig. 17.)

The EIR's approach can be used to conservatively estimate the increase in yearly CNEL for production under the Modified Permit Condition. Because the Modified Permit Condition would increase production by 12.5% above the Project Description conditions, it can be assumed that the yearly CNEL average would increase by the same amount. Therefore, the Modified Permit Condition can be expected to increase the averaged CNEL levels by, at most, approximately 1.01 dB over all potential operating scenarios.² This increase would be less than significant.

Finally, the EIR noted that the Project would generate noise impacts from offsite vehicular traffic. The noise analysis assumed the same daily and annual increases in offsite traffic that were used in the traffic study. (EIR, at p. IV.C-18.) Because the Modified Permit Condition would not result in additional traffic above that analyzed in the EIR, noise impacts from those sources would remain unchanged from those analyzed in the EIR.

For these reasons, the Modified Permit Condition would not result in a new significant noise effect or a substantial increase in the severity of a previously identified significant noise effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified. Although the Modified Permit Condition would result in a slight increase in average annual CNEL, it would not result in a new significant effect or a substantial increase in the severity of previously identified significant effects.

4. Hydrology and Water Quality

The EIR based its analysis of hydrology and water quality impacts on the estimated 20-year Quarry footprint described in the Project Description, along with the configuration of facilities, equipment, and settlement ponds described in the Mining Plan. The EIR analyzed various hydrology and water quality impacts, including:

1. Discharges of pollutants in stormwater to Green Valley Creek (Impact IV.D.1);
2. Downstream flooding impacts caused by location of equipment, facilities, and aggregate stockpiles in the floodplain (Impact IV.D.2);

² Figure 17 of Appendix F shows that for a 225 production day baseline, the increase in average CNEL is approximately 0.9dB. A production increase of 12.5% results in an increase of approximately 1.01dB.

3. Impacts to local groundwater levels caused by reduced groundwater recharge (Impact IV.D.3);
4. Potential increases in sedimentation and alterations in Green Valley Creek hydrology (Impact IV.D.4);
5. Operation of septic systems at the site (IV.D.5); and
6. Cumulative hydrology and water quality impacts (Impacts IV.D.6 through IV.D.8.)

Implementation of the Modified Permit Condition would not change the 20-year Quarry footprint analyzed in the EIR, since it was based on the same projection of 500,000 cubic yards of annual on-site mining. In addition, the Modified Permit Condition would not change the Quarry facilities, including the location of stationary and mobile equipment, sediment basins, stockpiles, and access roads. As a result, the Modified Permit Condition would not alter any of the factors contributing to the remaining hydrology and water quality impacts analyzed in the EIR.

The Modified Permit Condition thus would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project or its circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

5. Land Use and Planning

As noted above, the Modified Permit Condition would not change the EIR's estimated 20-year limit of grading, since it was based on the same projection of 500,000 cubic yards of annual on-site mining. Therefore, the Modified Permit Condition would not require any additional MR zoning or other zone changes not identified in the Project Description and analyzed in the EIR.

One ARM Plan objective is a reduction in the need for additional aggregate through utilization of recycled materials. (EIR, at p. V.A-7.) The Modified Permit Condition would allow the Quarry to process up to 62,500 cubic yards of recycled materials each year. According to the Applicant, however, the Quarry typically processes no more than 50,000 cubic yards of recycled material per year, and much less than that in recent years due to market conditions. Therefore, the Modified Permit Condition limit of 62,500 cubic yards of recycled material would suffice to encourage the Quarry to continue processing recycled materials in accordance with the ARM Plan objectives.

The ARM Plan objectives primarily emphasize the need to assist local quarries to increase production in an environmentally sound manner, and to facilitate expanded mining operations at designated locations, including Canyon Rock Quarry. The Modified Permit Condition supports these objectives by allowing the Quarry to produce up to 500,000 cubic yards per year of material mined on site.

For these reasons, the Modified Permit Condition would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and

could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

6. Geology, Seismicity and Mineral Resources

The EIR based its analysis of geology, seismicity, and mineral resources impacts on the Project Description's assumption that the Quarry will mine 500,000 cubic yards of material onsite each year. (See, e.g., EIR, at p. V.B-17.) As noted above, the Modified Permit Condition would not change the expected 20-year grading limit identified and analyzed in the EIR.

For these reasons, the Modified Permit Condition would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

7. Hazards and Hazardous Materials

Implementation of the Modified Permit Condition would not change the use, storage, or disposal of hazardous materials on the Quarry site from that described and analyzed in the EIR.

For this reason, the Modified Permit Condition would not result in a new significant effect related to hazards and hazardous materials, or a substantial increase in the severity of a previously identified significant effect, due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

8. Biological Resources

The EIR primarily based its analysis of impacts to biological resources on the Quarry's 20-year limit of grading, which was determined based on 500,000 cubic yards of onsite mining per year. (See, e.g., EIR, at pp. V.D-16 - D-22.) As detailed above, the Modified Permit Condition would result in the same estimated 20-year limit of grading. Thus, the impacts to biological resources resulting from the onsite grading activities would be the same under either the Project Description or the Modified Permit Condition.

Other potential impacts to biological resources, such as potential offsite impacts to anadromous species in Green Valley Creek, depend upon both the size of the 20-year limit of grading and upon the Quarry's water quality control practices. As noted above, the Quarry's 20-year grading limit and water quality control practices would be the same under either the Project Description or the Modified Permit Condition.

For these reasons, the Modified Permit Condition would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and

could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

9. Aesthetics

The EIR based its analysis of aesthetics on the Project Description's assumption that the Quarry will mine 500,000 cubic yards of material onsite each year, and on the configuration of onsite stockpiles, spoils, and recycled materials. (See, e.g., EIR, at V.E-12 – E-16.) These aspects of the Quarry would be the same under either the Project Description or the Modified Permit Condition.

For these reasons, the Modified Permit Condition would not result in a new significant aesthetics effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

10. Public Services and Utilities

The Modified Permit Condition would not alter mining techniques, hours of operation, employee staffing, or equipment at the quarry. Therefore, the Modified Permit Condition would not result in a new effect or a substantial increase in the severity of a previously identified significant effect regarding fire protection, police protection, parks, or solid waste due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

The Modified Permit Condition would allow processing of up to 12.5% more aggregate material than the Project Description, and thus might be expected to require an equivalent increase in water deliveries from the Forestville Water District, assuming that water use is proportional to onsite processing. The EIR noted that the Project Description would require approximately 406,800 gallons per month (approximately 13,560 gallons per day). (EIR, at pp. V.F-6 – F-7.) Thus, the Modified Permit Description could require approximately 457,650 gallons per month (approximately 15,255 gallons per day), resulting in a daily increase of approximately 1,695 gallons. This water demand remains well within the Water District's available water supplies, given that the Forestville Water District has a water allotment of 1.5 million gallons per day, and the existing maximum water use is approximately 800,000 gallons per day. (EIR, at p. V.F-7.)

As a result, the Modified Permit Condition would not result in a new effect or a substantial increase in the severity of a previously identified significant effect regarding public water supplies due to substantial changes in the project or project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

11. Cultural Resources

The EIR based its analysis of potential impacts to cultural resources on the total area of land that would be altered as a result of the Project. (EIR, at p. V.G-7 – G-9.) The Modified Permit Condition would not change the estimated 20-year grading limit defined in the Project Description. As a result, the Modified Permit Condition would not result in a new significant effect or a substantial increase in the severity of a previously identified significant effect related to cultural resources due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified.

C. Cumulative Impacts

The EIR analyzed cumulative impacts as part of the topical analyses described above, which are summarized in EIR Chapter VIII. (EIR, at pp. V.III-2 – III-3.) As discussed above, the Modified Permit Condition would not change the traffic levels or haul routes analyzed in the EIR. The Modified Permit Condition would affect cumulative conditions only by increasing production of materials processed on site compared to that analyzed in the EIR.

With regard to traffic, the EIR identified three cumulative impacts (Impacts IV.A.1, IV.A.2, and IV.A.3) involving project contributions to cumulative increases in traffic volumes at intersections, cumulative increases in traffic volumes on roadways, and cumulative effects on pedestrians and bicycle flow in the project area. (EIR at pp. IV.A-22 – IV.A-31, IV.A-32 – IV.A-34, and IV.A-34 – IV.A-37, respectively). As analyzed above, implementation of the Modified Permit Condition would result in the same number of vehicle trips as the Project Description analyzed in the EIR, and thus would not increase traffic volumes or effects on pedestrians and bicyclists. The Modified Permit Condition similarly would not change the project's contribution to cumulative ambient noise levels on roadways serving the project (Impact IV.C.7, EIR at pp. IV.C-30 – IV.C.31).

With regard to air quality, the EIR found that on-site sources of fugitive dust would contribute to cumulative increases in PM10 at nearby receptors (Impact IV.B.5, EIR at pp. IV.B-23 – IV.B-25). However, the EIR included a comprehensive dust control program (Mitigation Measure IV.B.5, EIR at pp. IV.B-24 – IV.B-25) that would mitigate the project's contribution to any cumulative dust episodes in the project vicinity to less than significant levels. The Modified Permit Condition would increase the production of materials mined on site, and would thus result in a worst-case, 12.5% project-level increase in PM10. As described above, however, CARB recently reclassified northern Sonoma County's State Area Designation for PM10 from non-attainment to attainment, and the Modified Permit Condition's increased level of PM10 would fall far below the relevant significance threshold. As a result, with implementation of Mitigation Measure IV.B.5, the Modified Permit Condition would not make a considerable contribution to any significant cumulative impact related to PM10.

The EIR also found that the project could contribute to cumulative increases in DPM exposure in the quarry vicinity by moving on-site sources of diesel equipment closer to certain sensitive receptors (Impact IV.B.7, EIR at pp. IV.B-26). The EIR determined that implementation of Mitigation Measures IV. B.4a and IV.B.4b (EIR at pp. IV.B-23), which

require the replacement of on-site non-road equipment engines with improved-performance equipment with DPM reduction controls and proper equipment tuning, would lower the project's contribution to increases in cumulative diesel emissions to negative levels. The EIR further noted that project emissions of DPM both on-site and off-site are expected to decline well below baseline conditions due to typical replacement cycles of older equipment with new equipment characterized by lower DPM emission factors and implementation of EPA's HD 2007 program.

The Modified Permit Condition would not change the number or location of on-site mobile equipment (e.g., back hoes, loaders), that produce the majority of on-site DPM emissions. Nor would the Modified Permit Condition affect Mitigation Measures IV.B.4a and 4b, which would reduce the project's contribution to cumulative diesel emissions to negative levels. As a result, the Modified Permit Condition would not result in a significant increase of DPM emissions over that analyzed in the EIR, and would not result in a considerable contribution to cumulative DPM impacts.

With regard to noise, the EIR found that on-site operations, when considered along with other potential noise-generating projects in the vicinity, would not increase cumulative noise levels at off-site receptors beyond project-level impacts (Impact IV.C.6, EIR at pp. IV.C-29 – IV.C-30). Further, the EIR found that all project-level on-site noise impacts would be reduced to less than significant levels by Mitigation Measures IV.C.3a and IV.C.3b (EIR at pp. IV.C-24 – IV.C-26). The Modified Permit Condition would not change the days or hours of operation, or the topographic shielding of residential receptors in the project vicinity. The Modified Permit Condition also would result in no more than 1.01 db increase in yearly CNEL due to the additional production of material mined on site. This does not represent a considerable contribution to any cumulative noise impacts in the project vicinity.

The EIR identified three potential cumulative project impacts to hydrology and water quality: cumulative impacts to the hydrology of Green Valley Creek due to changes in peak surface water discharges (Impact IV.D.6, EIR at pp. IV.D-29); cumulative impacts to regional groundwater resources (Impact IV.D.7, EIR at pp. IV.D-29 – IV.D-31); and cumulative impacts to water quality in Green Valley Creek due to soil erosion (Impact IV.D.8, EIR at pp. IV.D-31 – IV.D-32). As noted above, the Modified Permit Condition would not change the Quarry facilities, including the location of stationary and mobile equipment, sediment basins, stockpiles, and access roads. As a result, the Modified Permit Condition would not increase surface water discharges or soil erosion impacts to Green Valley Creek. As a result, the first and third of these cumulative impacts would not change and would remain less than considerable with implementation of Mitigation Measures IV.D.4a and 4b (EIR at pp. IV.D-26 – IV.D-29).

The second cumulative impact would also remain less than considerable. As noted above, the Modified Permit Condition would allow processing of up to 12.5% more aggregate material than the Project Description, and thus might be expected to require an equivalent increase in groundwater. But the Project relies on the Forestville Water District as its primary water source, rather than groundwater. (EIR at pp. V.F-6 - V.F-7.) In addition, the EIR requires the applicant to use recycled water from sediment pond/traps to the extent practical (Mitigation Measure IV.D.3a, EIR at pp. IV.D-25), and requires comprehensive groundwater monitoring of on-site wells (Mitigation IV.D.3b, EIR at pp. IV.D-25 - IV.D-26) to mitigate project impacts associated with groundwater use to less than significant levels. These measures will apply

equally to the Modified Permit Condition, and will continue to mitigate the project's effects on regional groundwater resources to less than considerable.

Finally, the EIR identified a significant and unavoidable cumulative impact to visual quality associated with cumulative visual alteration of the project vicinity (Impact IV.E.3, EIR at pp. IV.E-16). As discussed above, the Modified Permit Condition would not result in new project-level significant aesthetic effects or substantial increases in the severity of previously identified significant visual effects. Accordingly, the Modified Permit Condition would cause no new significant cumulative aesthetic impacts, nor substantially increase the severity of any previously identified cumulative aesthetic impacts.

For the reasons described above, the Modified Permit Condition would not result in any new significant cumulative impacts or a substantial increase in the severity of a previously identified significant cumulative effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

D. Growth-Inducing Impacts

The EIR noted that the proposed project would accommodate increases in demand for aggregate in Sonoma County, but would not itself act as a stimulus for that demand. (EIR, at p. VIII-3.) The Modified Permit Condition would not affect this conclusion, because the additional aggregate material authorized by the modified condition would not suffice to offset expected increases in demand. In addition, the Modified Permit Condition would not change the number of employees or the transportation improvements identified in the EIR.

For these reasons, the Modified Permit Condition would not result in a new significant growth-inducing effect or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

V. CONCLUSION

For these reasons, approval of the Modified Permit Condition would not meet any of the standards identified in CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR or supplement to an EIR.

EXHIBIT "B"
STATEMENT OF
OVERRIDING CONSIDERATIONS

I. Introduction

1.01 In approving the Proposed Project, which is evaluated in the Final EIR and the Addendum, the Board makes the following Statement of Overriding Considerations pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093 in support of its findings on the Addendum. The Board has considered the information contained in the Addendum and has fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. The Board specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

1.02 The Board has carefully weighed the benefits of the Proposed Project against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of insignificance. As more fully set forth in the Final EIR, the significant impacts of the Proposed Project that arguably cannot be mitigated to levels of insignificance include certain traffic impacts if Caltrans fails to approve the road improvements on Highway 116, long-term secondary impacts resulting from road improvement projects, off-site noise impacts from quarry trucks on public roadways, on-site biological resources (loss of conifer forest), and aesthetics impacts. These impacts are specifically identified in Exhibit "B" to Resolution No. 06-0596. While the Board has required all feasible mitigation measures, such impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

1.03 Notwithstanding the identification and analysis of the impacts that are identified in the Final EIR as being significant and potentially significant which arguably may not be avoided, lessened, or mitigated to a level of insignificance, the Board, acting pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, hereby determines that specific economic, legal, social, technological and other benefits of the Proposed Project outweigh any unavoidable, adverse impacts of the Proposed Project and that the Proposed Project should be approved.

1.04 This statement of overriding considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the Final EIR and the record of these proceedings. In addition, this Statement of Overriding Considerations

applies to those impacts which have been substantially lessened but not necessarily lessened to a level of insignificance.

1.05 Based upon the objectives identified in the Proposed Project and the Final EIR and information provided in the Addendum, and the detailed conditions of approval imposed upon the Proposed Project and following extensive public participation and testimony, the Board has determined that the Proposed Project should be approved as conditioned and that any remaining unmitigated environmental impacts attributable to the Proposed Project are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations, any one of which is sufficient, in the Board's view, to approve the Proposed Project.

II. Fiscal and Economic Benefits of the Proposed Project

2.01 The Proposed Project supports Sonoma County residential, business and industry construction, particularly road construction. The Canyon Rock Quarry is needed to provide Sonoma County with a continued, local source of quarry material necessary for construction within the County. The benefits of continued, reliable sources of local aggregate products are considered to be important assets to the County. The applicant has stated that the Northern Expansion option contains a superior type of hard rock that is more marketable for road base and sub-base than the type of hard rock that is produced in most quarries in other parts of the County. Significant road and highway transportation projects are planned for construction in Sonoma County in the next twenty years as a result of the passage of the Traffic Relief Act for Sonoma County in 2004.

The demand for hard rock has increased substantially since the 1980s due to the booming construction industry. Because the prohibition on terrace mining took effect in 2006 (with one exception), and instream mining is limited to bar skimming, most of the supply to meet future demand is expected to come from hard rock quarries. The supply of hard rock for Sonoma County construction projects has traditionally been, and is expected to continue to be produced within Sonoma County to keep construction costs from rising excessively. Typically, any aggregate imported from outside the County is high quality gravel for Portland cement concrete. The cost of importing hard rock of a similar quality to that found at the Quarry would greatly increase aggregate materials costs for public and private projects within the county.

Any project alternative that would restrict onsite production to below 500,000 cubic yards per year (i.e., to 375,000 cubic yards for example) would restrict production to a level well below projected demand, resulting in increased prices for construction aggregate. This could substantially increase the costs for housing and other construction

projects in Sonoma County. The ARM Plan seeks to maximize production in the County's hard rock quarries in order to avoid the environmental and economic impacts of mining in the Russian River and importing aggregate from outside sources. Instream mining has been appropriately limited by environmental considerations, and, with one exception, terrace operations ceased in 2006. Importation of material from outside the County is not cost effective, and causes substantial impacts including increased air pollution, noise, dust, and traffic. Thus, at 500,000 cubic yards per year, the project will do a far better job of meeting aggregate demand, minimizing economic harms, and avoiding external environmental impacts than any reduced production alternative.

2.02 There will be economic benefits to Sonoma County from the project including sales tax and income tax paid by the property owner. In this time of dwindling state and local government revenues, it is especially important that the County establish independent revenue sources to fund needed County services. It is also expected that the Proposed Project will generate sales at other businesses in the community as customers of the quarry use aggregate in construction projects.

2.03 The project would meet all ARM Plan required creek setback, erosion control, and revegetation standards, and go further in enhancing the riparian corridor along Green Valley Creek that lies within the existing quarry operation site. The Project Applicant has constructed detention basins to improve water quality in storm water and has relocated the concrete batch plant which also improved water quality in Green Valley Creek related to existing operations, and will continue to monitor and provide additional data to protect aquatic habitat in Green Valley Creek. In addition, biological surveys of the property were conducted to identify any potential site specific impacts on rare or endangered species or their habitats, and none were found on site.

2.04 As a result of the Proposed Project, traffic signals and associated road improvements are planned to be installed on Highway 116 at the Mirabel Road and Covey Road intersections, as well as at the intersection of Mirabel Road and River Road. These improvements will result in an improvement in the overall functioning of Highway 116 in this area. Further, approval of the project and requiring the contribution of the project operator as described in the mitigation measures to the cost of various road improvements in Forestville and the vicinity would improve circulation in the area and increase vehicle, bicycle and pedestrian safety for all citizens traveling in and through Forestville. The fair share contribution to road improvements including signaling intersections, construction of shoulders and pathways, enhancing the visibility of crosswalks and the Forestville Bypass project will result in a benefit by improving intersection and roadway level of service, and safety. In addition, construction of the

Forestville Bypass road would result in a reduction of truck traffic in downtown Forestville which would decrease disturbances to the rural character of the town.

Without the contribution of this project and other potential projects to the cost of the road improvements, it may not be possible for the state and county to fund the work. Recent shortfalls in state and county budgets have resulted in extended delays in funding road improvements, resulting in a backlog of projects waiting for funding.

Based on discussions with Caltrans staff, County staff believe that Caltrans will ultimately approve all of the traffic improvements required of the Proposed Project. However, even if Caltrans, as the responsible agency, does not approve these mitigation measures, then the Board has determined that the remaining public benefits associated with the Proposed Project outweigh unmitigated impacts of the Proposed Project.

2.05 The Board of Supervisors adopted a Statement of Overriding Considerations for the ARM Plan indicating that the benefits of the aggregate industry outweigh the adverse unavoidable noise impacts. These findings are contained in Resolution No. 94-1569 and are applicable to the proposed project.

III. Conclusion

3.01 The Board finds that the Proposed Project has been carefully reviewed and that the Conditions of Approval have been imposed to implement the mitigation measures identified in the Final EIR, and to address numerous other issues. Nonetheless, the Proposed Project may have certain environmental effects which cannot be avoided or substantially lessened. The Board has carefully considered all of the environmental impacts which have not been mitigated to an insignificant level. The Board has carefully considered the fiscal, economic, social, environmental, and land use benefits of the Proposed Project. The Board has balanced the fiscal, economic, social, environmental, and land use benefits of the Proposed Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Proposed Project outweigh the adverse environmental effects.

3.02 Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093, the Board finds that the remaining significant unavoidable impacts of the Proposed Project are acceptable in light of the economic, fiscal, social, environmental and land use benefits of the Proposed Project. Such benefits outweigh such significant and unavoidable impacts of the Proposed Project

and provide the substantive and legal basis for this Statement of Overriding Considerations.

3.03 Last, the Board finds that, to the extent that any impacts identified in Exhibit "B" to Resolution No 06-0596 remain unmitigated, such impacts are limited. Project contribution to cumulative traffic impacts involve literally seconds of delay at three intersections and one roadway at specific times of the day. Increased long-term project traffic volumes would contribute to unmitigated cumulative effects on pedestrian and bicycle flow conditions in the project area, based partly on the inability to control mid-block pedestrian crossings. There would be secondary effects from loss of off-street parking on Highway 116 with the construction of traffic mitigation measures in that area, because there is no convenient location to replace the parking spaces. It will not be known whether potential long-term effects to transportation and traffic, air quality, noise, hydrology and water quality, land use, biological resources, aesthetics and cultural resources resulting from construction of the Forestville bypass road could be significant until preliminary design and environmental review are conducted. With respect to noise, biological resources and aesthetic impacts, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level, as described in the 1994 ARM Plan.

Accordingly, when deciding to approve this Project, the Board is faced with presumed unmitigated impacts which are limited in nature. When considering the significant benefits outlined in this Statement of Overriding Consideration against limited impacts, the balance of weight clearly falls in favor of the merits of the Project and its benefits.

expected from known active faults. Expected ground motions determined by a registered geotechnical engineer shall be incorporated into final structural design as part of the project. Final seismic considerations for the site shall be submitted to and approved by the Sonoma County Permit and Resource Management Department. *Impact V.B.1*

Mitigation Monitoring: Prior to building or septic permit issuance the operator shall submit geotechnical reports to PRMD. County staff will be responsible for ensuring that the report recommendations have been incorporated into the structural design of project improvements.

HEALTH:

"The conditions below have been satisfied" BY _____ DATE _____

U/R 3. Public water connection to the Forestville Water District shall be maintained.

Condition Compliance: PRMD shall be responsible for responding to any complaints over violations of this condition.

U/R 4. Toilets with hand washing facilities shall be provided for employees.

Condition Compliance: PRMD Health Specialist shall be responsible for determining compliance with this condition when reviewing the required septic system analysis.

U/R 5. For storage of hazardous materials in above-ground tanks, the operator shall obtain approval from the Regional Water Quality Control Board (RWQCB). The operator shall submit a copy of a current permit to the PRMD Health Specialist to verify compliance.

Condition Compliance: PRMD shall receive clearance from the North Coast Regional Water Quality Control Board that the permit has been obtained or that no permit is required.

U 6. For clearing and initial material removal on-site with mobile equipment that occur within 1,200 feet of existing occupied residences where no shielding by intervening terrain exists, the operator shall:

- a) Use the quietest available equipment used for such operations. This shall include, as determined feasible by PRMD, the use of high performance mufflers and special engine noise control packages.
- b) Plan clearing operations so that any on-site terrain features that may provide shielding to the residents is removed last, as determined feasible by PRMD.
- c) Conduct clearing and initial material removal mobile operations on Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. only.
- d) Provide a 30-day advanced notification to occupants of residences within 1,200 feet of the clearing and initial material removal and provide evidence of such notice to PRMD prior to commencing operations. *Impact IV.C.2*

Mitigation Monitoring: Prior to beginning clearing operations within 1,200 feet of occupied residences, the operator shall submit evidence of a notice to PRMD. County staff will not authorize the clearing and initial material removal operation until notification is complete.

U/R 7. Prior to beginning any mobile operations associated with on-going extraction and reclamation on the quarry faces within 1,200 feet of an occupied residence, a noise monitoring report shall be prepared and implemented by a qualified acoustical consultant and submitted by the quarry operator to the County. The noise monitoring program shall establish the region in

which the operations are to take place. Shielding potential of the intervening topography and/or vegetation shall be assessed. Noise source levels of the specific equipment to be used shall be measured and specific sound levels at the residences predicted. If no exceedances of Table NE-2 standards are predicted, operations may proceed.

Once work begins, the noise level shall be monitored for a period long enough to validate the predicted levels. Upon request by the County, the operator shall provide additional monitoring at later times to demonstrate compliance. Operations may not be done outside the specific area included in the noise monitoring program except at distances greater than 1,200 feet from any occupied residence.

If the monitoring predicts exceedances of Table NE-2 standards, the noise consultant shall recommend measures to prevent the exceedances. These measures could include:

- a) Using special mufflers or engine control packages;
- b) Planning operations to use topographic features to shield residences from noise;
- c) Constructing earth berms or other noise barriers;
- d) Sound proofing affected occupied residences; or other recommended measures.

If the operator presents evidence to the County that demonstrates that the identified measures will prevent noise levels in excess of the Table NE-2 standards, then the measures shall be implemented and clearing or mining operations may proceed within the area included in the monitoring. Once work begins, the noise level shall be monitored for a period long enough to validate the predicted levels. Upon request by the County, the operator shall provide additional monitoring at later times to demonstrate compliance.

If there are no measures identified that will prevent the exceedances, then operations that cause the exceedances may proceed only if they will be of short duration. Short duration means that noise from the quarry operations and reclamation, including noise from clearing and initial material removal, will not cause exceedance of Table NE-2 standards at any occupied residence for more than 10 days in a year. Exceedance of the standard more than ten days per year is not permitted. Mining operations that cannot meet this condition may not proceed. In this event, the operator and the County will review and revise the mining plan as necessary to ensure that the Table NE-2 County noise standards will be met at occupied residences. Such changes may result in mining being prohibited in some areas. *Impact IV.C.3a*

Mitigation Monitoring: Prior to beginning mining in areas within 1,200 feet of occupied residences, the PRMD Health Specialist will review and approve the noise monitoring report. Mining operations that cause exceedance of Table NE-2 standards for more than 10 days per year at any occupied residence will not be permitted.

- U 8. Prior to initiation of clearing or mining in the expansion area, the operator shall be responsible for hiring a qualified expert to verify that the described noise and vibration performance standards are being met if requested by PRMD. All blasts shall be designed so that charge weight per delay does not exceed the curve given in Figure IV.C.4c for the distance to the nearest residence. The charges shall be detonated sequentially over a time span such that the delay between the detonation of individual charges is 8 milliseconds or greater. Overpressure intensity shall be reduced when the blast charges are well-confined; therefore, the qualified blasting expert shall ensure that the blast holes have adequate stemming and adequate burden. *Impact IV.C.4*

- a) Blasting shall be limited to daytime hours from 10:00 a.m. to 4:00 p.m. Monday through Friday only.
- b) A blasting permit shall be obtained from the Sonoma County Sheriff's Department prior to conducting any blasting.
- c) Blasting shall only be conducted by licensed certified personnel consistent with Federal, State, and local regulations. Blasts shall be designed such that the charge weight per delay does not exceed that the charge weight/distance curve shown in Figure IV.C.4c Canyon Rock Quarry Expansion Project Draft Environmental Impact Report May 7, 2004 page IV.C-28.

Mitigation Monitoring: PRMD ARM staff will periodically monitor compliance with the blasting mitigations during ongoing quarterly field inspections and will respond to all complaints. PRMD Code Enforcement shall investigate noise complaints and shall ensure compliance from the permit holder. All inspection reports will be placed in the project file.

U/R 9. The primary water supply for all operations shall be from the Forestville Water District. Water used for processing activities and dust suppression shall be recycled from the sediment ponds to the extent practicable.

U/R 10. Prior to the expansion of clearing or mining activities into adjacent parcels, the applicant shall provide a groundwater monitoring program developed by a California State certified hydrogeologist with experience in groundwater conditions local to Canyon Rock Quarry, subject to review and approval by PRMD Health Specialist. The purpose of this program is to provide a mechanism for early identification of potential and significant groundwater level decline. The data obtained would identify and distinguish between temporary groundwater drawdown due to daily operations and long-term drawdown due to over-pumping of the groundwater bearing zones beneath the site.

- a) If required by the groundwater monitoring program, monitoring well(s) shall be established subject to the approval of PRMD Well and Septic section. Prior to the expansion of clearing or mining activities onto adjacent parcels, an easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well and any monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All easement language is subject to review and approval by PRMD Project Review and County Counsel prior to recordation.
- b) Prior to expansion of clearing or mining activities into the expansion area, any new or existing water well serving this project shall be fitted with a water meter and a groundwater level measuring tube and port, or electronic groundwater level measuring device.
- c) The groundwater monitoring program shall begin at project approval and prior to clearing or mining in the expansion area in order to obtain weekly, baseline groundwater level data. The monitoring program shall monitor the existing quarry extraction well and the four other existing wells located on the site.
- d) The operator shall conduct regular groundwater monitoring of onsite wells to identify both temporary groundwater drawdown and long term, unrecoverable groundwater drawdown resulting from increased onsite groundwater pumping. Water level data shall be collected prior to pumping, at regular intervals during pumping and at regular intervals after pumping is stopped (static conditions).

- e) The location of the wells, and groundwater elevations and quantities of groundwater extracted for this site shall be monitored quarterly and reported to PRMD in January of the following year pursuant to section RC-3b of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-project review at least once every five years. PRMD shall be immediately notified if groundwater conditions change substantially. If the data indicate that groundwater levels do not recover to at least 80 percent of the baseline levels over the pre-determined recovery period (based on pre-project recovery rates), the operator shall reduce supplemental groundwater pumping to pre-project rates as established by the baseline data and obtain necessary supplemental water supply from onsite ponds or municipal supply subject to approval of PRMD. Further, if the groundwater monitoring program identifies a consistent groundwater level decline over the course of each water year (October to September) that is not in response to a known or reported regional drought condition, the operator shall: 1) submit an analysis to PRMD of the effects of the decline of groundwater levels on Green Valley Creek, factors that caused the decline and/or measures to mitigate the decline in water levels; and, 2) reduce pumping to pre-project levels, obtain a supplemental water supply and implement measures recommended in the analysis subject to approval of PRMD.
Impact IV.D.3

- f) Prior to the expansion of clearing or mining activities onto the expansion area (083-210-006, -015, -019, -020), a baseline monitoring program to collect summertime creek flow data in Green Valley Creek adjacent to the expansion area shall be developed, subject to the review and approval of the California Department of Fish and Game and PRMD Project Review. The purpose of the program is to provide baseline data regarding summertime baseflows in Green Valley Creek, that could be used in future to analyze whether long-term mining on this site affects summertime stream flow.

The program shall be managed by a qualified hydrologist and implemented in the initial years of the Use Permit over a time period not less than three years, as recommended by the hydrologist. The program shall include the collection of creek flow samples approximately monthly from May to October, annual calibration of the gauge and an annual report, including rainfall data for the previous winter and any changes in upstream diversions if possible, for each year of the baseline program. The reports shall be reviewed and approved by PRMD Aggregate Resource Management staff.

Mitigation Monitoring: PRMD staff will review annual reports and will work with applicant to implement mitigation as needed. PRMD shall investigate complaints and shall seek compliance from the permit holder. All inspection reports will be placed in the project file.

- U 11. Any necessary septic system expansion or modifications shall be done under permit from the Well and Septic Section of PRMD and may require both soils analysis and percolation testing. If improvements to the septic system are necessary, they shall be completed prior to mining activities in the expansion area. *Impact IV.D.5*

Mitigation Monitoring: The operator will provide documentation to PRMD Health Specialist that the septic system accommodates the proposed sewage loading or that such modifications have been done to accommodate increased sewage requirements prior to authorizing expansion of clearing or mining activities.

- U/R 12. a) The operator shall prepare a Spill Prevention, Control and Counter Measure Plan (SPCCMP) in conformance with the requirements of the Code of Federal Regulations 40CFR112. A copy of the SPCCMP shall be submitted to the Sonoma County Department of Emergency Services to demonstrate completion of the mitigation.

- b) If hazardous waste is generated or stored, then the operator shall comply with hazardous waste generator laws and AB2185 requirements and obtain a permit or approval from the Certified Unified Program Agency (Sonoma County Department of Emergency Services performs this function in Sonoma County). The operator shall submit a copy of a current permit to the PRMD Health Specialist to verify compliance.
- c) All hazardous waste materials shall be stored, handled and managed in accordance with the approved site plan and hazardous materials plan so as to reduce the potential for any spillage.
- d) No soil or other material containing hazardous or toxic waste shall be imported to the quarry (Note: this condition is not intended to restrict the recycling of concrete or asphalt on site). *Impact IV.D.1 Impact V.C.1*

Mitigation Monitoring: The Department of Emergency Services will provide verification to PRMD that the requirements have been met.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

- U 13. The operator shall obtain a State of California Encroachment Permit before making any improvements or constructing any driveway (or intersection) to State Highway 116 and shall construct the improvements (driveway or intersection) in accordance with Caltrans Standards.
Condition Compliance: The operator shall submit proof to PRMD that encroachment permits have been obtained prior to expansion of clearing or mining activities onto adjacent parcels.
- U 14. A Traffic Mitigation Fee shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code, before expansion of clearing or mining activities or within 36 months after the California Court of Appeals issues a decision or order in Appellate case no. A119543 affirming the judgment in the action entitled *Forestville Citizens for Sensible Growth v. County of Sonoma et al.*, Sonoma County Superior Court, case no. SCV 238992, whichever occurs first, based on Table IV.A.6 in the Final EIR of 325 ADT. This fee is for indirect cumulative traffic impacts throughout the County and shall be in addition to fair share contributions required for direct project impacts to roads in the immediate vicinity. This permit shall not be vested until the traffic mitigation fees are paid in full.
- U 15. Prior to the expansion of clearing or mining activities onto adjacent parcels or within 36 months after the California Court of Appeals issues a decision or order in Appellate case no. A119543 affirming the judgment in the action entitled *Forestville Citizens for Sensible Growth v. County of Sonoma et al.*, Sonoma County Superior Court, case no. SCV-238992, whichever occurs first, the operator shall pay a fair share of the cost of improvements for direct impacts to off-site roads and intersections listed below (Conditions No. 16-22). The permit shall not be vested until the traffic fair share contributions are paid in full. The fair-share percentage for the project was calculated based on the projected change in traffic conditions and the method defined by Caltrans' "Guide for the Preparation of Traffic Impact Studies" for determining equitable responsibility for costs. Cost of improvements are estimated in 2003/2004 dollars and shall be adjusted annually based on the Engineering News Record's Building Cost Index for the San Francisco Bay Area until the project's fair-share has been paid in full.

U 16. Highway 116 / Mirabel Road Intersection:

The quarry operator shall pay a fair share of the cost of the improvement/signalization of the Highway 116/Mirabel Road intersection. The improvements would include the correction of an existing sight distance problem on Highway 116 west of the intersection, construction of a left turn lane on Highway 116 for traffic turning northbound onto Mirabel Road, and a right turn lane onto the Forestville Bypass/Mirabel Road Extension for southbound traffic, installation of traffic signals, and other associated improvements to the intersection. The cost of the improvements is estimated at \$2.8 million in 2003/2004 dollars. The project's fair-share is 14 percent. *Impact IV.A.1b*

Mitigation Monitoring: PRMD Project Review staff shall verify that payment has been made prior to authorizing expansion of clearing or mining activities.

U 17. Mirabel Road Shoulders:

The quarry operator shall pay a fair share of the cost of widening Mirabel Road to provide paved shoulders. The cost of the improvements is estimated at \$2.15 million in 2003/2004 dollars. The project's fair-share is 15.6 percent. *Impact IV.A.2, Impact IV.A.3d*

Mitigation Monitoring: PRMD Project Review staff shall verify that payment has been made prior to authorizing expansion of clearing or mining activities.

U 18. Highway 116/Covey-Forestville Road Intersection:

The quarry operator shall pay a fair share of the cost of installing traffic signals (with pedestrian signals) at the intersection of Highway 116/Covey-Forestville Roads and adding left turn lanes on both Highway 116 approaches and a right turn lane on the westbound Highway 116 approach to the intersection. The cost of the improvements is estimated at \$0.7 million in 2003/2004 dollars. The project's fair-share is 4.7 percent. The cost of these improvements may be transferred to other road improvement projects (i.e., the intersection at Mirabel Extension south), in the vicinity as determined appropriate by DTPW. *Impact IV.A.1a*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 19. River Road/Mirabel Road Intersection:

The quarry operator shall pay a fair share of the cost of adding left turn lanes on both River Road approaches and a left turn lane on the northbound Mirabel Road approach to the River Road/Mirabel Road intersection. The cost of the improvements is estimated at \$1.9 million in 2003/2004 dollars. The project's fair-share is 9.3 percent. *Impact IV.A.1*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 20. Downtown Forestville Pedestrian and Bicycle Circulation:

The quarry operator shall pay a fair share of the cost of providing sidewalks/pathways, where needed, along both sides of Highway 116 between Covey Road and Mirabel Road, to allow school children to walk on the sidewalks/pathways. Alternatively, five-foot wide bike lanes along each side of Highway 116 between Covey Road and Mirabel Road could be substituted as determined appropriate by PRMD. If bike lanes were provided along Highway 116 in this area, Highway 116 would need to be widened by six to eight feet on the north side of the highway for about 175 feet west of Covey Road. Some on-street parking spaces would have to be eliminated near First and Second Streets. The costs of these improvements may be

transferred to other road improvement projects (i.e., the intersection at Mirabel Extension south), in the vicinity as determined appropriate by DTPW. The cost of the improvements is estimated at \$150,000 in 2003/2004 dollars. The project's fair-share is 5.0 percent. *Impact IV.A.3*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 21. Construct Forestville Bypass/Mirabel Road Extension:

The quarry operator shall pay a fair share of the cost of constructing a bypass road to the south of the downtown area of Forestville. The cost of the improvements is estimated at \$6.5 million in 2003/2004 dollars. The project's fair-share is 6.1 percent. *Impact IV.A.3*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 22. Enhance Visibility of Crosswalks:

The quarry operator shall pay a fair share of the cost of enhancing the visibility of existing crosswalks on Highway 116 at Covey Road and First Street. This could include additional striping, signage and/or lighting as determined appropriate by PRMD. The cost of the improvements is estimated at \$150,000 in 2003/2004 dollars. The project's fair-share is 5.0 percent. The cost of these improvements may be transferred to other road improvement projects in the vicinity as determined appropriate by PRMD. *Impact IV.A.3c*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 23. The quarry operator shall participate in the Aggregate Road Mitigation Fund. The operator will pay annually a Road Maintenance Fee per ARM Plan standards (Section 7.3, No. 11 and Section 7.7) to mitigate wear and tear to County maintained roads caused by the operation's truck traffic from the expanded mining area on the primary haul route(s). The fee shall be assessed based on the estimated cost of maintaining County roads caused by the use of County roads by aggregate trucks.

The County shall assess the Road Maintenance Fee each year at the end of mining season for the life of the permit. The operator shall pay the maintenance fee within six months of receiving notice of the fee amount. If the developer does not make payment within six months, the account will be sent to Collections and the operator may be issued a Notice of Violation of the Conditions of Approval of this permit. The permit may be subject to revocation or modification for any permit violation.

Mitigation Monitoring: The Department of Transportation and Public Works will be responsible for: 1) adjusting and publishing the road maintenance fee annually on January 1st of each year. PRMD will: 1) determine the operator's annual road mitigation fee; 2) formally bill and collect from the operator; and 3) initiate collection proceedings and may issue a Notice of Violation if the operator defaults on the payment.

FLOOD AND DRAINAGE:

"The conditions below have been satisfied" BY _____ DATE _____

U/R 24. Prior to clearing or mining in the expansion area, drainage improvements shall be designed by a civil engineer and constructed in accordance with PRMD standards and the Water Agency's Flood Control Design Criteria. Plans shall be submitted for review and approval by the Permit

and Resource Management Drainage Review section. Drainage improvements shall be subject to grading permits and shall be maintained and operated in accordance with the prepared drainage plan and shall be shown on the reclamation and grading plans. *Impact IV.D.4*

Mitigation Monitoring: PRMD Drainage Review section will verify that the plans have been designed and constructed in accordance with PRMD standards and the Water Agency's Flood Control Design Criteria.

- U/R 25. The operator shall design and operate the sediment retention ponds to act as runoff detention features. The operator shall prepare, for review and approval by PRMD, a drainage plan (including appropriate hydrologic and hydraulic calculations) that minimizes changes in on-going and post-reclamation runoff, site peak flows, and stream velocities as compared with baseline conditions at the Green Valley Creek and Highway 116 discharge point. The drainage plan shall evaluate and specify requirements to address hydrograph modification in Green Valley Creek. The drainage plan shall incorporate sediment retention ponds to act as runoff detention features. The drainage plan and accompanying design calculations shall demonstrate that on-going and post-reclamation discharges would not exceed baseline discharge levels during the 2-, 10-, 20-, and 100-year storm events.

Prior to the expansion of clearing or mining activities onto adjacent parcels, a series of detention basins shall be constructed (as described above) to facilitate the removal of suspended sediment from storm water runoff generated at the project site. The basins are not intended to retain all runoff from the site during the rainy season. Periodically, the basins would be drained to ensure that there is sufficient capacity to detain runoff generated in subsequent storm events. Water removed from the basins would be discharged into Green Valley Creek. Discharges from the sediment ponds/detention basins shall be timed to avoid peak flows in Green Valley Creek. Two factors should be considered to minimize the potential for the project to exacerbate existing flooding problems along Green Valley Creek: 1) the increase in volume of runoff from the project site, and 2) the timing of the release of runoff from the project site relative to peak flood flows in Green Valley Creek during a storm event. The final drainage plan for the project shall be prepared by a licensed professional engineer and reviewed for adequacy by PRMD. *Impact IV.D.4*

Mitigation Monitoring: PRMD Drainage Review staff will inspect the site and ensure drainage improvements are constructed in accordance with these requirements and County standards.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

Pre-operational Conditions:

- U/R 26. Prior to the expansion of clearing or mining activities onto adjacent parcels, a comprehensive mining Operation and Management Plan shall be prepared to address all operational conditions for erosion and sediment control, water quality and groundwater monitoring, dust control, hazardous materials management, sediment pond operation and maintenance, slope stability during mining and vegetation management, as detailed in operational conditions 5, 10, 12, 27, 33, 36, 45 and 53-69.
- U/R 27. Prior to the expansion of clearing or mining activities onto adjacent parcels, a grading, drainage, and revegetation plan shall be incorporated into the Reclamation Plan and submitted to PRMD Project Review for final review and approval. PRMD will refer the plans to the Department of Fish and Game for their review and recommendation. The plans shall include the following features:

- a) A Certified Engineering Geologist or Registered Geotechnical Engineer shall specifically review the maximum working slopes of the mine face. In all cases, the slope or height of the active working face shall not exceed the safety standards established by CalOSHA and MSHA.
- b) Benches in final slopes are required every 25 to 30 vertical feet for access and drainage control. Final reclamation slopes shall not exceed a steepness of 1.5:1.
- c) Drainage plans and facilities must minimize slope erosion and off-site sedimentation. All drainage from the quarry face floor, slopes, berms, and access roads shall pass through a sediment pond/trap prior to discharge from the site. All drainage from the processing area, concrete batch plant area and truck/equipment wash area shall pass through at least two sediment ponds/traps in series prior to discharge from the site. All outlets of the sedimentation ponds draining offsite shall have a screen to catch debris and foreign matter.
- d) All drainage plans and facilities including sediment ponds/traps shall be designed and certified by a registered civil engineer as adequately sized and designed to meet County standards.
- e) A drainage and erosion control monitoring report documenting at least three site visits following storm events must be prepared by a qualified expert and shall be submitted to the PRMD ARM staff by December 31st of the first year clearing or mining begins in the expanded area. The report shall include verification that all required on-site drainage and erosion control measures have been implemented; water quality measurements of total suspended solids and description of the appearance of flowing water at outfalls, turbidity measurements upstream and downstream and an analysis of adverse downstream impacts (on Green Valley Creek) from excess sedimentation.
- f) Revegetation efforts shall use primarily native species. The initial planting plan shall be dense enough to allow for some plant die-off and still meet reclamation standards.
- g) A drip or other irrigation plan to water all new plantings for at least two years, unless planting densities provide for 50-90% die-off and are specifically waived by PRMD after consultation with California Department of Fish and Game.
- h) The quarry drainage and erosion control plan shall retain the same overall water levels flowing off site into the Hwy 116 crossing as naturally occurs unless otherwise approved by the State Department of Fish and Game.

The operator shall be responsible for hiring a qualified expert(s) to verify the above described drainage and erosion control performance standards are being met in the field at any time requested by PRMD and shall provide a report to PRMD. The annual report requirement may be waived by PRMD if the operator has met the performance standards for the previous two years. *Impact ARM PEIR*

Mitigation Monitoring: Cal OSHA and MSHA conduct annual inspections and shall act as the lead agency responsible for monitoring the safety of working slopes. PRMD Project Review and Drainage Review staff shall monitor the compliance with this condition by: 1) requiring review from Department of Fish and Game of the final revised grading and planting scheme, 2) reviewing the submitted monitoring report(s), 3) inspecting the site during reclamation work, upon the completion of the initial reclamation work, and every 90 days during the mining season to assess the need for remedial grading, drainage, and revegetation efforts, and 4) responding to any complaints of violation of the condition.

Inspections shall be verified by inspection reports placed in the project file on the scheduled basis. A copy of the revised planting and grading scheme with the Department of Fish and Game letter or stamp of approval shall be placed in the project file. Annual assessment of the reclaimed areas compliance with the performance standards shall be placed in the project file by PRMD Project Review staff until such time that the performance standards are met and the Reclamation Plan is deemed complete. A performance bond shall be retained until all reclamation requirements are met.

- U/R 28. The operator shall submit to the Sonoma County Permit and Resource Management Department financial assurance(s) payable to the County of Sonoma and, in the alternative, the State Department of Conservation, in an amount and format to be reviewed and approved by PRMD and State Department of Conservation - Mines and Geology Division, to assure compliance with the approved Reclamation Plan and conditions thereof for the entire area of the quarry. A valid financial assurance shall be maintained on file until PRMD determines that all reclamation has been successfully carried out in compliance with the reclamation and final conditions. Financial assurance shall renew automatically and shall not expire without 90-days advance written notice being provided to PRMD. A continuation Certificate or other proof of extended coverage shall be forwarded to PRMD no less than 30 days prior to the expiration date of the financial assurance. PRMD may adjust the amount of the security on an annual basis to account for additional lands disturbed or reclaimed, inflation, or revised cost estimates. The financial assurance shall reference the name of the mining site, the resolution number of the County approval, and PRMD file number.

The County may pursue redemption of the securities if: 1) the final reclamation does not meet the performance standards, 2) satisfactory progress is not made towards completing the reclamation in a timely manner, or 3) The operator is financially incapable of carrying out the reclamation.

- U/R 29. The operator shall pay all applicable development and processing fees prior to the expansion of the use onto adjacent parcels.

- U/R 30. Clearing mining, and reclamation in the expansion area is subject to Sonoma County Fire Safe Standards and the mining plan shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: 1) emergency vehicle access and turn-around at the site(s), 2) addressing, and 3) water storage for fire fighting and fire break maintenance around all structures. Prior to the expansion of clearing and mining onto adjacent parcels, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.

- U/R 31. The applicant shall pay within five days after approval of this project to PRMD a mandatory Notice of Determination filing fee of \$35 for County Clerk processing (check shall be made payable to Sonoma County Clerk and submitted to PRMD); and \$850 Fish and Game fee because an EIR was prepared, for a total of \$885. This fee must be paid or the approval of this project is not valid.

- U/R 32. Prior to the expansion of clearing or mining activities onto adjacent parcels, the operator shall implement reduction of emissions of diesel particulate matter (DPM) on quarry-on-site mobile equipment or through the acquisition of improved performance equipment that contain DPM reduction controls. The operator shall provide a report to PRMD Project Review describing the modifications or purchase of new equipment. *Impact IV.B.4a*

Mitigation Monitoring: PRMD Project Review staff will verify that the condition has been complied with prior to authorizing clearing or mining in the expansion area.

U/R 33. Prior to the expansion of clearing or mining activities onto adjacent parcels, the operator shall prepare and implement a comprehensive dust control program that will expand on the quarry's existing dust control measures to further reduce impacts from mining activities. Pre-operational elements of the dust control program shall include, but are not necessarily limited to the following:

- a) Install wheel washers or other washing method (e.g., water sprayers or use of a water depression crossing) so that tires of all trucks leaving the site are cleaned of dirt and gravel to minimize tracking of these materials onto public roads.
- b) Install a sign to notify haulers that all trucks hauling soil, sand and other loose materials are required to maintain at least one foot of freeboard (i.e., the space between the top of the load and the top of the trailer), or loads shall be covered. All trucks leaving the site shall be loaded so as not to exceed California state aggregate requirements (23114 VC or latest amendment).
- c) Install signs that limit traffic speeds on unpaved roads and circulation areas to 15 miles per hour.
- d) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Install a sign with the name and phone number of the contact person for dust problems at the quarry entrance. The operator shall have at least one employee who is a Certified Visual Emissions Evaluator.
- e) Install covers over the quarry's crushers (e.g., baghouses or sheds) to minimize fugitive dust during crushing operations. With certain operations, the use of water or foam spray may be the most effective method used, as determined in consultation with the Air District.

Impact IV.B.5

Mitigation Monitoring: PRMD Project Review staff will inspect the site to verify installation of signs, covers for crusher and wheel washers.

U/R 34. Expand Creekside Buffer:

Prior to the expansion of clearing and mining activities onto adjacent parcels, Reclamation of the riparian buffer shall include but not be limited to:

- a) The buffer zone shall be graded so that flood water flowing across Highway 116 can enter the flood plain buffer zone at the site and flow unobstructed back into Green Valley Creek. The berm shall be graded so that the west toe of the berm is no less than 50 feet from top of bank of the creek and the berm slope does not exceed 2:1 (horizontal to vertical) or as otherwise approved by PRMD,
- b) Inoperative vehicles and debris shall be moved from the berm along the creek,
- c) A riparian buffer shall be reclaimed and maintained at 100 feet from top bank, meeting all ARM Plan standards. The area shall be planted with natural riparian or other appropriate vegetation to reduce erosion, and
- d) The flood plain boundary at the site shall be surveyed and demarcated with a fence or other appropriate barrier and a sign prohibiting inappropriate uses to minimize the potential of future encroachment of site activities into the flood plain area. New stockpiles or permanent equipment shall be prohibited in the 100-year floodplain as shown in Figure IV.D-2.

The southeast portion of the site that is subject to flooding and is currently used as an unimproved parking area will be paved. No new stockpiles or permanent equipment will be placed in the 100-year flood plain as shown in Figure IV.D-2 on page IV-D-4 of the Draft EIR. *Impact IV.D.1*

- e) Prior to October 15th of each year, all mobile mining equipment, stockpiles, spoils, bins, barrels, tires, aggregate equipment storage facilities and processing facilities shall be moved out of the parking lot which is identified in Figure IV.D.2 of the EIR (hereinafter referred to as the "overflow area") of Green Valley Creek.

Mitigation Monitoring: Prior to authorizing clearing or mining activities onto adjacent parcels, PRMD will inspect the site to verify that equipment has been moved, parking area paved and floodplain surveyed and delineated.

- U/R 35. Within one year of approval or prior to expansion of clearing or mining activities onto adjacent parcels, whichever occurs first, the operator shall submit a revised Reclamation Plan to the County. The Plan shall meet all established County requirements. The Plan shall be submitted to California Department of Conservation (DOC) and California Department of Fish and Game (CDFG) for review and comment before final approval by PRMD. The Plan shall be revised to remove aggregate processing facilities as part of final reclamation activities. This permit shall not be vested or effective until the revised Reclamation Plan has been approved. The Plan shall include a detailed planting plan, a planting and implementation approach, a detailed monitoring and remediation plan, management guidelines and schedule. A vegetation expert shall develop procedures for how trees and shrubs shall be planted, fertilized, irrigated, and monitored, and these procedures shall be incorporated into the final plan. No clearing or mining of the expansion area shall be permitted until the Plan has been approved by PRMD. Finish slopes must be constructed, planting done, and the satisfaction of the plan's success criteria demonstrated prior to final approval of the site reclamation by PRMD. At a minimum the final Reclamation Plan shall include the following:
- a) The Plan shall indicate the size and locations of planting areas on cut slopes, benches, berms, and the quarry floor. The target habitat type for each planting area (woodland, conifer forest, chaparral, riparian) shall be specified. The Plan shall indicate the area where woodland, conifer forest, chaparral and riparian habitat shall be created.
 - b) The Plan shall indicate sediment ponds that will be converted to permanent ponds and riparian habitat. The Plan shall designate areas on the margins of the ponds that are to be planted with native riparian species.
 - c) All woody species to be used in revegetation efforts shall be native species. Locally indigenous species shall be emphasized. To the extent possible, cover to be established on the quarry slopes and benches and on constructed berms shall be woodland or forest type. Cut slopes having insufficient soil to support trees shall be planted with native shrubs suited to chaparral habitats.
 - d) Reclamation shall be completed in phases as various parts of the quarry are mined and made available for closure. Since it will take some years for woody vegetation to become established and effective as cover on the reclaimed slopes, in addition to woody plantings the newly completed reclaimed slopes and benches shall be seeded with grasses and other herbaceous plants to provide erosion control.
 - e) A final monitoring plan shall be included that describes parameters to be monitored, methods, success criteria, monitoring schedule and performance time frame (five years minimum), contingencies for potential problems such as erosion and plant die-off, and likely remedial measures to be taken. Monitoring need not be extensive or sophisticated, but must be sufficient to measure the degree of success of the reclamation and be able to

guide remediation to ensure long-term success. Success criteria performance standards shall be considered met once the established plants have been in place at least five years, and are capable of self-regeneration and have met the quantified measurements for a period of two years without human intervention such as watering, weeding, fertilizing, replanting, etc. Additional criteria should be included to indicate general health or vigor of vegetation, species richness, erosion, and invasion by noxious weeds.

- f) A final grading and revegetation plan shall be prepared in conformance with recommendation of the California Department of Fish and Game and shall be incorporated into the Reclamation Plan.
- g) A Spill-Prevention Plan approved by the Department of Emergency Services shall be included in the Reclamation Plan.
- h) Reclamation or stabilization of all quarry slopes and the quarry floor (excluding the processing/stockpile/loading/access areas, the acreage of the sedimentation ponds and working area) must be completed by October 15 of each year. Stabilization measures include hydraulic application of surface stabilizing compounds, hydroseeding, mulching, or other measures to prevent erosion. The operator must provide annual documentation to PRMD that they are up to date with all required reporting forms and fees, and have no outstanding water quality-related violations anywhere in the quarry. To ensure accurate compliance with this condition the operator shall submit a site plan or aerial photograph clearly depicting the extent of mining and reclamation on the site every two years during mining and reclamation and at the completion of reclamation.
- i) Unless other criteria are established by state or local regulations, the following performance standards shall be incorporated into the Reclamation Plan and used to determine when the reclamation has been successfully completed.
 - i) Success of revegetation will be analyzed by comparing quantified measures of vegetative cover, density, and species richness of the reclaimed area to similar parameters of naturally occurring vegetation in the area. The quantitative measures shall be made by a qualified professional. The revegetation performance standards shall be considered met once the established plants have been in place at least five years, and are capable of self-regeneration and have met the quantified measurements for a period of two years without human intervention such as watering, weeding, fertilizing, replanting, etc.
 - ii) All slopes, benches, and berms shall be graded to the finished slopes as established by the approved Reclamation Plan with such variations as recommended in advance by the State Department of Fish and Game, PRMD and a qualified professional. PRMD may approve field variations of relief up to one foot. There should be no "gully-washes" (generally greater than .5 feet deep) evident on the graded slopes.
 - iii) Prior to planting, slopes and terraces shall be covered with a minimum of 12 inches of topsoil including topsoil saved from the site. All planting areas on terraces previously compacted by equipment or vehicle travel shall be ripped and scarified prior to re-soiling or replanting. Topsoil suitable for use in revegetation shall be stockpiled for use in reclamation and replanting of cut slopes. Prior to October 1st each year, all stockpiled topsoil shall be seeded and mulched, covered, or protected with other erosion control methods in order to prevent soil loss through erosion.
 - iv) All mining debris, operative and inoperative equipment, tires, tanks, barrels or other materials shall be removed. Upon the completion of mining, all processing equipment used for mining shall be removed from the site so that reclamation can be completed.

- v) The operator shall submit verification that the State Department of Fish and Game has determined that the riparian corridor reclamation along Green Valley Creek is successful. *Impact V.D.2, Impact IV.D.1, Impact V.B.3*

Mitigation Monitoring: PRMD Project Review shall verify that the Reclamation Plan incorporates the mitigation measures. PRMD Project Review staff shall be responsible for reviewing all reclamation work through field inspections. Reclamation securities shall not be fully released until the reclamation is successful, as defined in this condition. Reclamation may be accepted in phases and security reduced as appropriate.

- U/R 36. Prior to clearing or mining in the expansion area, the operator shall submit a revised Vegetation Management Plan to PRMD for review and approval that addresses the following:
- a) A buffer area shall be established where no clearing or mining will occur at least 100-feet wide between Highway 116 and quarry excavations. The buffer shall be measured from the northerly highway right-of-way line. The mining plan shall include a note indicating that no grading or tree removal shall occur in this buffer area. Only the entrance to an access road shall be constructed in the buffer area.
 - b) A buffer area shall be established where no clearing or mining will occur at least 100-feet wide between the quarry excavation and the stream bank that forms the western boundary of the expansion area, as described in Mitigation Measure V.D.1b, Condition No. 34. A sign and fence shall be installed indicating that no grading or tree removal shall occur in this buffer area.
 - c) The operator shall plant native evergreen trees and shrubs on the existing berm along Highway 116 west of the quarry entrance. A Revegetation Plan prepared by a qualified professional shall be prepared and submitted for review and approval of PRMD prior to beginning the berm planting. The revegetation performance standards shall be considered met once the established plants have been in place at least five years, are capable of self-regeneration and have met the quantified measurements for a period of two years without human intervention such as watering, weeding, fertilizing, replanting, etc.
 - d) The Vegetation Management Plan for hillsides facing Highway 116 and Martinelli Road shall indicate areas where existing trees and shrubs will be retained to maximize screening provided by the hill, and shall describe measures to be taken during clearing and grading operations to ensure protection of these trees. This management plan shall extend for the life of the quarry permit.
 - e) The quarry operator shall conduct mining in Stages B and C: (as shown on DEIR Figure III-13) generally toward the northwest portion of the Northern Expansion area. When mining has progressed as far as practical in that direction, mining shall then be conducted in an easterly direction in such a manner that screening provided by natural topography between the mining area and Martinelli Road will be in place for as long as is practical. *Impact V.E.1*

Mitigation Monitoring: PRMD Project Review shall verify that the plans required by the mitigation measure have been completed and approved prior to authorizing clearing or mining in the expansion area. PRMD will inspect the site prior to clearing to ensure trees to be saved are clearly marked. PRMD shall inspect the site annually to verify planting is maintained. All inspection reports will be placed in the project file.

- U/R 37. Within 30 days of approval of the project, the applicant shall submit to PRMD a Condition Compliance Review Fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based on hours of staff time worked).

U/R 38. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. No clearing or mining activities in the expansion area shall be authorized until all permit processing costs are paid in full.

U/R 39. Sediment Control:

Within one year of approval, the operator shall prepare and implement a water quality control program with specific measures to trap eroded sediment on-site to prevent a discharge to receiving waters. This program shall be implemented within one year of submission to PRMD. Specific measures cited below shall be included which are taken from the *Stormwater Best Management Practice Handbook for Construction*, published by the California Stormwater Quality Association (CASQA). Equivalent measures described in the *Erosion Control Manual* (San Francisco Bay Regional Water Quality Control Board) or other measures deemed suitable by the North Coast Regional Water Quality Control Board may be substituted with approval of PRMD.

- a) Silt fences, fiber rolls, or other sediment control barriers shall be used on bare slopes not being actively mined to intercept and trap sediment carried by sheet flow (CASQA construction measures SE-1, SE-5, and SE-9).
- b) The program shall include a description of the construction method for the sediment basins, including the design storm and spillways. The design storm shall not be less than the 20-year, 1-hour intensity event.
- c) The operator shall design the proposed sediment ponds to the maximum size practical for the available space. New sediment ponds shall include a forebay to trap coarse soil particles before runoff enters the main sediment ponds (CASQA construction measure SE-2). Recognizing that the sediment ponds may not be adequate to trap very fine particles such as clay, the design shall include supplemental treatment that can be used as needed to meet the water quality discharge criteria for this project. Supplemental treatment may be chemical treatment that causes the fine particles to settle (CASQA construction measure SE-11), mechanical filters to remove fine particles, or other measures considered to be effective by the North Coast Regional Water Quality Control Board.
- d) All runoff from areas being mined or previously mined areas will be directed through one of the sediment ponds. Stormwater may be released from the ponds between storm events so long as the water to be released meets the performance criteria of the water quality monitoring program described in Table 1 below in conformance with requirements of the General Industrial Permit.
- e) During mining in the expansion area, the quarry floor shall be graded to slope toward the quarry face so that a portion of the quarry floor serves as a sediment trap during the winter rainy months. The design shall provide a stable outlet and drainage way to the sediment ponds.
- f) The design shall be completed by a professional civil engineer experienced in sediment detention basin design. The design shall meet the standards of SMARA. All hydrologic and engineering calculations, including sediment trap efficiency, shall be submitted to PRMD for review and approval. A peer review may be required. *Impact IV.D.4, Impact IV.D.1*

Mitigation Monitoring: PRMD Project Review staff will review and approve the Inspection and Maintenance Plan. PRMD ARM staff will review annual reports and periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file. If upon inspection the sediment ponds/traps and drainage system have not been cleaned out, then PRMD shall issue a Notice of Violation to the operator requiring all crushing, screening, grading, and sales

of material on site to immediately cease until the ponds/traps and drainage system have been cleaned.

- U/R 40. Avoid all potentially jurisdictional wetlands and riparian habitat located along the western boundary of the existing permitted area of the quarry. Prior to clearing or mining activities in the Northern Expansion area, the operator shall take appropriate measures to protect the wetland and riparian habitat located on the western boundary of the existing permitted area of the quarry. Protection measures to be included in the mining and Reclamation Plan are:
- Installation of chain link exclusionary construction fencing around the seasonally wet area;
 - Implementation of all measures to control dust in adjacent work areas;
 - Maintenance of the hydrologic inputs (flow) to the seasonally wet area; and
 - Fence and maintain the 100-foot minimum setback for quarry clearing and mining operations from stream banks and critical habitat areas designated in the Sonoma County General Plan (Chapter 26A, County Code). Impact V.D.1

Mitigation Monitoring: PRMD shall verify that protective measures are installed prior to authorizing clearing or mining in the expansion area.

- U/R 41. For Northern spotted owl, approved protocol surveys and avoidance/ mitigation measures, consistent with §§919.9-919.10 of *California Forest Practice Rules* will be necessary prior to initiation of clearing or mining activities in the expansion area. This effort requires: identification of functional owl nesting, roosting and foraging habitat on, and within 0.7 miles of any project boundary; review of known owl surveys that have been conducted within 1.3 miles of the project site; surveys, by a qualified biologist on the project site and within 0.7 miles of any boundary, in accordance with *Guidelines for Surveying Proposed Management Activities Which May Impact Northern Spotted Owls* (US Fish and Wildlife Service (USFWS) 1991). The operator shall submit a verification report to the PRMD Project Review staff that the surveys have been completed and any recommendations made by the biologist have been implemented.

Surveys of the proposed project area will be required and will include a 1-year (6 visit) survey valid only until the beginning of the following breeding season or 2-year (3 visits/year) survey valid for 2 additional years, if owls are detected. The 2-year survey is preferable and is more likely to accurately determine presence or absence. Surveys shall be conducted between March 15th and August 31st, 1 to 2 years prior to commencing activities, depending on the survey type.

Any activity that would constitute "take" of Northern spotted owl (as defined by the Endangered Species Act) is not allowed under this mining permit. Modifications to the project shall be required to avoid harassment or direct impacts to nesting owls if such species are identified in the surveys. In particular, the project shall meet specific standards including: no operations within 500 feet of an active nest site or pair activity center, and maintenance of suitable owl habitat (as defined by Thomas et al., 1990) between 500 and 1,000 feet of an active nest site or pair activity site. If the proposed mining plan does not comply with these standards, then the operator shall submit a revised plan that does meet the standards for the County, and the mining permit shall be revised accordingly.

If it is not feasible to revise the mining plan to satisfy the standards, the operator shall complete other measures acceptable to the USFWS, which may include identification and acquisition or retention of 500 or more acres of suitable owl habitat within a 0.7-mile radius of an active nest site or pair activity center, or 1,336 or more acres of suitable owl habitat within a 1.3-mile radius of an active nest site or pair activity center (including lands acquired or retained within a 0.7-mile radius). Areas acquired or retained may be adjusted after consultation with USFWS and CDFG to conform to natural landscape attributes such as draws and stream courses. Under such circumstance, a parcel shall be identified for fee

purchase or acquisition of conservation easement within Sonoma County under the stewardship of a responsible land management entity. Such retained land would need to be partially or completely offsite to accommodate acreage requirements. Any dedication of land shall necessarily be in perpetuity to be considered adequate. If land or easement is acquired, the operator must develop a habitat management plan and long-term funding source for management of those lands subject to approval by the USFWS and the CDFG. *Impact V.D.6*

Mitigation Monitoring: PRMD staff will conduct site inspections, verify compliance with the condition prior to authorizing any clearing or mining in the expansion area and will respond to all complaints. All inspection reports will be placed in the project file.

Operational Conditions:

U 42. This Use Permit allows continued operation of mining/rock extraction, processing, rock crushing, screening and stockpiling, and concrete/asphalt recycling supported by an office, two scales, shop operations and a caretaker mobile home, with 22 employees on APNs 083-130-082, -083, -084, and -085 as described in the Canyon Rock Company surface mining application dated September 18, 2002, as modified by these conditions. The volume of material of all types exported from the Quarry shall not exceed 562,500 cubic yards in any one year. Of this amount, no more than 500,000 cubic yards shall consist of material mined on-site. In no case shall the amount of material imported to the site, including recycled materials, exceed 62,500 cubic yards in any one year.

The principal existing buildings are located on APNs 083-210-083 and -084 and are:

- a) The approximately 10,000 square foot equipment storage and garage building,
- b) The approximately 2,500 square foot office building,
- c) The approximately 3,500 square feet welding and repair shop, and
- d) The scale house, electrical building and other minor structures supporting the use.
- e) APN 083-210-006 contains a single family dwelling and APN 083-210-020 contains three single family dwellings.

This Use Permit allows expansion of the existing quarry to include an additional 35 ± acres on APNs 083-210-006, -015, -019, and -020. No additional employees are authorized. Permitted hours of operation are 6:00 a.m. to 10:00 p.m. weekdays and 6:00 a.m. to 4:30 p.m. Saturdays, except for emergency repairs or by written County authorization. Blasting shall be limited to daytime hours from 10:00 a.m. to 4:00 p.m., Monday through Friday. There shall be no clearing or mining operations including blasting on Sundays or federal holidays. The approved mining area shall not encroach within 25 feet of the boundary of the Mineral Resources Zoning District. The boundaries of the approved mining area shall be surveyed and staked prior to the commencement of clearing or mining in the expansion area.

APN 083-130-083 (formerly APN 083-210-006) contains a concrete batch plant and associated wash plant. These facilities shall be subject to the 1961 Use Permit (County File 2291), with an annual production level of approximately 25,000 to 35,000 cubic yards.

As a condition of exercising this Use Permit, the applicant agrees that for as long as the Use Permit remains in effect, all conditions set forth herein shall be applicable to both mining and processing within the vested parcels (APNs 083-130-082, -083, -084, and -085) as well as the expansion areas (APNs 083-210-006, -015, -019 and -020).

U/R 43. The operator and subsequent owners or operators of the above-referenced project shall complete mining and reclamation activities in accordance with the Canyon Rock Company surface mining application and Reclamation Plan dated September 18, 2002 as revised by

these Conditions of Approval and subject to the revised Reclamation Plan requirements herein. This Use Permit/Reclamation Plan and Conditions of Approval run with the project site and are binding on future owners, heirs and assigns. The Reclamation Plan shall run with the land and bind all owners and successors in interest. Owners shall maintain the site in perpetuity in accordance with the Reclamation Plan, including but not limited to the drainage improvements, slopes and vegetation. Prior to the lease, sale or other conveyance of any portion of the real property subject to this approval, the owner shall provide a copy of the Use Permit and Reclamation Plan approval along with this exhibit to the prospective lessee, buyer or other recipient of such conveyance. The County has the power to modify or revoke a permit, entitlement, or project approval if the conditions are not met. The mining operator must also notify the State Division of Mines and Geology and PRMD of any changes in ownership/operator and a new performance bond may be required.

U/R 44. When mining encroaches within 200 feet of any property line, the approved top of final reclamation slope in that area shall be clearly marked in the field by brightly colored stakes projecting at least 4 feet above ground level spaced every 200 feet. When mining encroaches within 100 feet of the approved toe of final reclamation slope in any area, the toe shall be clearly marked in the field by brightly colored stakes projecting at least 4 feet above ground level spaced every 200 feet. The operator shall be responsible for submitting a site plan or aerial photograph showing the extent of existing mining in relationship to all property lines if requested by PRMD to verify the need for, or location of, the required stakes.

U/R 45. Aggregate processing may be relocated within the existing mining or the expansion areas APN's 083-130-082, -083, -084, and -085; 083-210-006, -015, -019, and -020 if the operator meets the following criteria: Either the distance from all processing equipment to residences, measured along a straight line of sight, shall be greater than 1,600 feet, or the operator shall provide a noise analysis and attenuation program prepared by a qualified acoustical consultant that demonstrates compliance with all General Plan Noise Standards. If shielded by intervening terrain, processing equipment may be located a minimum of 760 feet from residences. The report is subject to review and approval by PRMD.

U/R 46. Payment of ARM Plan Fees for Monitoring, Administration, and Other Mitigation:

The operator shall contribute to ARM Plan Monitoring and Administration funds established by the County pursuant to the ARM Plan and shall otherwise mitigate identified impacts as follows:

Inspection Enforcement and Monitoring Fees:

Annual inspection, enforcement and monitoring fees shall be paid by the operator in order to cover all actual costs incurred by the County for the inspection, monitoring, and enforcement of the applicable Use Permit and reclamation plan conditions in accordance with the ARM Plan. Where the monitoring service of a qualified professional is required by the Mitigation Monitoring Program, additional monitoring fees may be levied on the operator to cover such costs. *Impact ARM PEIR*

Mitigation Monitoring: PRMD staff shall be responsible for determining compliance with this condition. PRMD staff shall also be responsible for billing the operator for all monitoring work done in compliance with ARM Plan and County ordinance requirements. Violations of the condition may result in proceedings to revoke the Use Permit for mining.

U/R 47. The Use Permit and Reclamation Plan shall be subject to the provisions of the 1994 ARM Plan, Chapter 26A of the Sonoma County Code, and other County ordinances, local, state and federal regulations, rules, orders and requirements regulating surface mining and reclamation in existence or hereafter adopted pursuant to the 1994 ARM Plan.

R 48. The operator shall notify PRMD in writing at least fifteen (15) days before the conclusion of each phase of reclamation to request a site inspection. *Impact ARM PEIR*

Mitigation Monitoring: PRMD staff shall inspect the site periodically in accordance with the inspection, enforcement, monitoring, and mitigation program of the ARM Plan and also within thirty (30) days of receiving the operator's notification of completion of each phase of reclamation. A written inspection report on each site visit shall be placed in the project file, which shall be used to determine the official start date of reclamation effort time-frames for each area as established in these Conditions of Approval.

U/R 49. To the extent required by applicable law, the operator and all successors in interest shall obtain any and all permits or approvals required by other agencies having jurisdiction over the project and shall provide copies of same to PRMD. This permit is subject to the conditions of said permits and any violation of other such permits shall constitute a violation of this Use Permit. If there are conflicts between the conditions of any permits, the more restrictive shall apply. PRMD Project Review staff will work with the agencies and the operator to help achieve solutions. A modification to this Use Permit may be required. Such agencies may include, but are not limited to:

- a) Sonoma County Water Agency
- b) Sonoma County Public Health Department
- c) Northern Sonoma County Air Pollution Control District
- d) California Department of Fish and Game
- e) California Water Resources Control Board
- f) North Coast Regional Water Quality Control Board
- g) Army Corps of Engineers
- h) U.S. Fish and Wildlife Service
- i) U.S. Environmental Protection Agency
- j) California Department of Forestry
- k) California Department of Transportation (Caltrans)
- l) NOAA Fisheries

U/R 50. Grading of slopes, replacement of soil, and replanting shall be completed concurrently with mining activities where possible rather than be delayed until after the completion of all mining. In no case shall the planting of vegetation and final reclamation of slopes last more than two years past cessation of mining in that area unless weather or other conditions beyond the control of the operator make performance within this time period unreasonable. To ensure accurate monitoring of this condition, the operator shall be responsible for submitting a site plan or aerial photograph by October 1st of every second year (after mining in the expansion area has begun) that clearly depicts the total extent of the mining and reclamation areas on the property. Failure to comply with this condition shall require the immediate cessation of all mining, processing, and sales of material (reclamation work may continue).

U/R 51. The operator shall properly tune non-road equipment and shall provide an annual report including an equipment maintenance schedule to PRMD ARM staff to document that scheduled maintenance has been performed. *Impact IV.B.4b*

Mitigation Monitoring: PRMD ARM staff review the reports and will periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file.

- U/R 52. Prior to the start of the second year of grading in the quarry expansion area and thereafter at specific intervals, a licensed Geotechnical Engineer and Certified Engineering Geologist shall inspect the slopes of the quarry excavation and perform a slope stability evaluation. The evaluation shall determine whether the excavated quarry face meets the slope stability performance criteria, which are a minimum pseudo-static factor of safety of greater than or equal to 1.1, and a static factor of safety of greater than or equal to 1.3. The pseudo-static factor of safety was derived from the CGS SP117, while the static factor of safety of 1.3 is based upon an acceptable engineering standard for stability of temporary slopes. The evaluation shall include a determination that the factor of safety is consistent with the requirements of Section 3407(d) of the State Mining and Geology Board Reclamation Regulations. The evaluation of potential static and dynamic quarry slope conditions shall be consistent with the provisions of the *California Division of Mines and Geology Guidelines for Evaluating and Mitigating Seismic Hazards* (CGS Special Publication 117, 1997). The evaluation shall be reviewed and approved by PRMD and may require a peer review by a qualified consultant. In the event that the evaluation determines that the slopes do not meet the slope stability performance criteria, the evaluation shall include recommendations for revisions to the mining plan that will ensure compliance with the criteria.

The slope stability investigation shall be completed and submitted to PRMD prior to the start of mining in years 2, 5, 10 and 15. If the results of any slope stability evaluation indicate a potential for slope instability that could affect adjacent properties, the final mining and Reclamation Plan shall be revised to include appropriate design slopes and setbacks from the property line to ensure protection of adjacent properties. A revision of the Reclamation Plan may be required. *Impact V.B.2*

Mitigation Monitoring: PRMD Project Review staff shall be responsible for reviewing the geotechnical evaluation report to ensure that the safety criteria are included.

- U/R 53. Prior to the expansion of clearing or mining activities onto adjacent parcels, the operator shall prepare and implement a comprehensive dust control program that will expand on the quarry's existing dust control measures to further reduce impacts from mining activities. Operational elements of the dust control program (especially during the dry season) shall include, but are not necessarily limited to the following:
- a) Water all active unpaved vehicle circulation areas daily, using reclaimed water whenever possible. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency would be necessary whenever wind speeds exceed 15 miles per hour during dry conditions.
 - b) Suspend excavation activity when winds (instantaneous gusts) exceed 25 miles per hour during dry conditions.
 - c) Sweep paved roadways (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. Paved areas on site and on Hwy 116 adjacent to the driveway intersection shall be kept clear of loose materials. When a spill does occur the operator shall be responsible for taking quick remedial action.
 - d) Hydroseed or apply soil stabilizers to inactive areas (as presented in the quarry's reclamation and water quality control plan).
 - e) Exposed soil stockpiles shall be enclosed, covered, watered daily or treated with (non-toxic) soil stabilizers.
 - f) Chemical soil stabilizers or dust suppressants shall be of a type that is approved of by the State Department of Fish and Game and PRMD. Chemical dust suppressants or soil stabilizers shall not be used on the ground during the wet season when runoff may occur.

g) In the absence of areas containing natural or manmade wind breaks, install wind breaks or plant trees/vegetative wind breaks at the predominant windward side of activity areas.

h) Install sandbags or other erosion control measures to prevent silt runoff to public roadways, as needed. *Impact IV.B.5*

Mitigation Monitoring: PRMD ARM staff will periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file.

U/R 54. Implement Comprehensive Source Control:

The operator shall prepare and implement a comprehensive water quality control program that emphasizes source control measures designed to prevent erosion. The comprehensive water quality control program shall be documented in a Storm Water Pollution Prevention Plan (SWPPP) that will be submitted to PRMD within one year of approval. The SWPPP shall be prepared by the operator and submitted to PRMD for review and approval. The SWPPP shall be regularly updated as new Best Management Practices (BMPs) are constructed and/or the quarry operation changes. Specific measures cited below are taken from the *Stormwater Best Management Practice Handbook for Construction*, published by the California Stormwater Quality Association (CASQA) 2003. Equivalent measures described in the *Erosion and Sediment Control Field Manual* (San Francisco Bay Regional Water Quality Control Board, 2002) or other measures deemed more effective by the North Coast Regional Water Quality Control Board may be substituted.

The operator shall incorporate BMPs into clearing, mining and reclamation activities to reduce and eliminate soil erosion. The operator shall be responsible for the inspection and maintenance of BMPs through all phases of mining and reclamation. During mining and reclamation activities, the following measures shall be implemented to reduce the potential for erosion and sediment discharge:

- a) Mining activities and the operation of heavy equipment on-site shall be done in such a manner as to avoid repeated crossing of drainage ways or puddles that are actively flowing into the sediment pond/traps and offsite.
- b) Topsoil suitable for use in revegetation shall be stockpiled for use in reclamation and replanting of cut slopes. Prior to October 15th of each year, all topsoil stockpiled for future use in revegetation shall be seeded and mulched or otherwise covered in order to prevent soil loss through erosion.
- c) All active processing area roads and work areas shall be stabilized surfaces or engineered with aggregate base fill thicknesses adequate to withstand heavy equipment and truck traffic. These roads shall be constructed with culverts and energy dissipation structures to convey runoff under the roads, as necessary. Areas on the quarry floor other than roads and active work areas shall be stabilized by the techniques described above.
- d) The water quality control program shall include measures to preserve existing vegetation to the extent practical (CASQA construction measure EC-2). When timber harvest takes place in the expansion area, small trees, shrubs and groundcover shall be left in place until the area is ready for mining.
- e) In areas not being actively mined, bare soil shall be protected from erosion with the application of hydraulic mulch (CASQA construction measure EC-3) or hydroseeded (CASQA construction measure EC-4).

- f) In areas not being actively mined where it is not practical to establish a grass cover, soil binders shall be applied to exposed soil to prevent erosion (CASQA construction measure EC-5).
- g) In areas requiring temporary protection until a permanent vegetative cover can be established, bare soil shall be protected by the application of straw mulch, wood mulch, or mats (CASQA construction measures EC-6, 7, and 8).
- h) To the extent practical, benches should be back-sloped or provided with rock or straw bale checks so that sediment is trapped on the benches rather than washed into the sediment ponds.
- i) Benches shall drain into adequately sized pipes that convey runoff to the quarry floor (CASQA construction measure EC-11). Outlets of pipes shall have appropriate energy dissipaters to prevent erosion at the outfall (CASQA construction measure EC-10). *Impact IV.D.1, Impact V.B.3*

Mitigation Monitoring: PRMD ARM staff will verify that a water quality control plan including a SWPPP is prepared and implemented, and will periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file.

U/R 55. Stormwater Best Management Practices:

Within one year of approval, the operator shall implement BMPs to reduce the potential for discharge of contaminants to stormwater runoff.

The following measures shall be taken:

- a) Fueling and maintenance of all rubber-tired loading, grading and support equipment shall be prohibited within 100 feet of drainage ways. Fueling and maintenance activities associated with other less mobile equipment shall be conducted with containment and spill clean-up materials to prevent hazardous material releases. All refueling and maintenance of mobile vehicles and equipment shall take place in a designated area with an impervious surface and berms to contain any potential spills;
- b) Access to the site shall be controlled by installing and maintaining security fencing and locking gates and posting "No Trespassing" signs at all vehicular access points.
- c) Runoff from access roads shall be collected and passed through the sediment pond/trap system on site.
- d) Any chemical dust suppressants or slope stabilization chemicals or polymers, or sediment detention basin enhancement chemicals or polymers shall be EPA approved and shall be used strictly according to the manufacturer's directions. An accurate accounting of the kinds and quantities of these materials used on the site shall be maintained by the operator and submitted to PRMD upon request.
- e) Planting methods used in reclamation shall avoid the surface application of fertilizers high in nitrogen or phosphorous that could be washed downstream into local waterways.
Impact IV.D.1

Mitigation Monitoring: PRMD ARM staff will periodically monitor compliance with the condition during quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file. Prior to authorizing clearing or mining in the expansion area, PRMD will verify the Spill Prevention and Emergency Plan has been approved and shall inspect the site to verify security fencing, signs and drainage are installed.

U. 56. Water Quality Monitoring Program:

Prior to clearing or mining in the expansion area, the operator shall prepare and implement a Water Quality Monitoring Program. Monitoring shall be expanded for a single season to collect a series of baseline samples during a representative storm event. Timing of this monitoring shall depend on the volume of runoff. The water quality consulting firm performing the testing shall establish timing criteria in consultation with the RWQCB, to ensure data that is collected will provide the proper baseline sampling. The operator shall demonstrate to the satisfaction of the RWQCB and PRMD that discharges from the site consistently meet the specified water quality benchmarks for stormwater discharges (refer to Table 1: Water Quality Sampling Criteria as shown below) prior to clearing or mining in the expansion area. The monitoring program shall include the following:

- a) The Baseline Monitoring Program shall be implemented by a qualified third-party water quality consulting firm that is approved by PRMD and compensated by the operator.
- b) Prior to commencement of clearing or mining in the approved expansion area:
 - i) A collection of a minimum of eight baseline samples of runoff from undisturbed locations to determine background constituent levels. Refer to Table 1: Water Quality Sampling Criteria below. Two locations shall be selected in areas away from clearing or mining activities and other human disturbance and sampled at least four times at each location during the single rainy season.
 - ii) All of the baseline samples shall be analyzed for pH, total suspended solids (TSS), turbidity, specific conductance, and total organic carbon (as required by the General Permit) and total and dissolved iron and total petroleum hydrocarbons (TPH) as diesel (with silica gel clean-up) by a State certified analytical laboratory;
 - iii) All storms that generate discharge from the active mining portion of the project site to Green Valley Creek shall be monitored. However, as a practical measure, it shall not be required that monitoring events occur more frequently than once every two weeks or pursuant to the criteria developed by the RWQCB. The discharge end of each outfall shall be made easily accessible for inspection and sampling.
 - iv) This single-year collection of stormwater background data will be used as the basis to evaluate future water quality sampling data. *Impact IV.D.1*

Mitigation Monitoring: PRMD Project Review staff will verify that the baseline monitoring program has been completed in a single season before the expansion is authorized.

U/R 57. Collect Semi-Annual RWQCB Samples:

The operator shall collect semi-annual representative samples from all stormwater discharge outfalls (at the location where the discharge leaves the detention pond or where the discharge leaves the site) while discharges are occurring in compliance with the requirements of General Permit (No. CAS000001) for Discharges of Storm Water Associated with Industrial Activities. The monitoring program shall include the following:

- a) Collect samples upstream and downstream of the quarry outfalls in Green Valley Creek during discharges from the site (at the same frequency as the baseline program).
- b) All of the semi-annual samples shall be analyzed for pH, total suspended solids (TSS), turbidity, specific conductance, and total organic carbon (as required by the General Permit) and total and dissolved iron and TPH (total petroleum hydrocarbons) as diesel (with silica gel clean-up) by a State certified analytical laboratory.

- c) The surface water quality data shall be analyzed by a qualified professional for indications of exceedance of water quality benchmarks and/or changing conditions in water quality that could indicate a potential impact to water quality conditions in Green Valley Creek.

The following benchmark water quality values shall be used to determine whether an adverse impact may be associated with the discharge:

Table 1: Water Quality Sampling Criteria

pH	Total Suspended Solids	Turbidity	Specific Conductance	Total and Dissolved Iron	Total Petroleum Hydrocarbons as Diesel	Total Organic Carbon
6.5 to 8.5 ^(a)	0 to 100 mg/L ^(a) at project site outfall discharge ^a ; and downstream levels in Green Valley Creek not to exceed upstream levels by more than 25 mg/l ^(b)	Not greater than turbidity in Green Valley Creek at time of discharge ^(c)	^(a) Outfall discharge levels not to exceed baseline levels measured upstream in Green Valley Creek ^(c)	Outfall discharge levels not to exceed baseline levels measured upstream in Green Valley Creek ^(c)	<15 mg/L	<110 mg/L ^(a)

Note: These benchmarks are subject to revision as the regulatory climate and treatment technologies evolve. The RWQCB may, at its discretion, modify these benchmark values in the future:

- (a) Based on State Stormwater Pollutant Benchmark levels.
- (b) Based on comparison of samples collected during the same sampling event.
- (c) This criterion cannot be applied to discharge samples from outfalls, but shall be applied to samples collected in Green Valley Creek upstream and downstream of the project site.

The operator shall submit annual monitoring reports to the Regional Water Quality Control Board with a copy submitted to PRMD and the California Department of Fish and Game. Frequency of monitoring will be determined by the RWQCB but shall not be less frequent than two samples shall be collected each rainy season. The qualified water quality professional conducting the monitoring shall provide an analysis of the data and an evaluation of the overall effectiveness of the sediment control system. If the water quality performance criteria have been exceeded, the report shall include the expert's opinion regarding the specific causes of the exceedances and recommended measures to bring discharges into compliance.

Impact IV.D.1

Mitigation Monitoring: PRMD Project Review staff shall review the report and verify that it includes the items required by the mitigation.

U/R 58. Implement Corrective Actions, as Necessary:

Once clearing or mining of the expansion area has been initiated, if any annual monitoring indicates that discharges from the quarry exceeded the water quality performance criteria, the operator will propose changes to the water quality program that will improve its performance sufficiently to meet the performance criteria. Corrective action may include, but is not limited to, additional source control BMPs, expansion of the existing detention ponds, chemical flocculation, mechanical filtration of the discharge, construction of extended wet ponds and/or treatment wetlands and/or reduction of exposed surface area. The proposed changes shall be submitted to the Regional Board for comment, revised as needed to address their comments, and then implemented by the operator. If the performance criteria are not met for two consecutive years, PRMD will confer with the operator and the Regional Board to determine whether further changes in the water quality program are likely to result in

compliance. If suitable changes are not identified, then the operator shall reduce production as needed to meet the performance criteria. *Impact IV.D.1*

Mitigation Monitoring: PRMD shall review the monitoring reports and conduct site inspections to ensure compliance. If the criteria are not met for two successive years, then PRMD shall issue a Notice of Violation to the operator requiring a reduction in production levels.

U/R 59. Maintain and Repair Storm Damage, as Necessary:

The water quality program shall describe specific measures to ensure routine inspection and maintenance of the drainage system and sediment ponds site to identify and correct problems. The operator shall submit a sediment pond inspection and maintenance plan and annual inspection and maintenance reports for review and approval of PRMD. The slope of the pond/trap banks (below water) shall be equal to or greater than a 3:1 (horizontal/vertical) slope to discourage shallow water areas which promote plant growth and mosquito breeding. Inspection and maintenance shall include monitoring storage capacity and loss of storage, sediment removal and deposition, and the safe storage, mixing, use, and disposal of any polymers and coagulants or flocculants. Sediment pond/traps and drainage systems shall be cleaned out by October 15th annually pursuant to the standards stated in the approved erosion and sediment control plan. Sediment shall be stockpiled for use as topsoil in the reclamation process. If upon inspection by PRMD the sediment ponds/traps and drainage system have not been cleaned out, the owner will be put on notice to complete the cleaning within 30 days or all crushing, screening, grading, and sales of material on site shall immediately cease until the ponds/traps and drainage system have been cleaned.

The program shall include measures to ensure prompt identification and repair of storm damage. Following storm events which significantly damage (i.e., erosion or rainfall-induced landsliding) mining or reclamation areas, the operator shall have a qualified professional conduct a damage survey of the site erosion and sediment controls, and recommend remedial actions as necessary to assure that the performance standards will be met. Within ten days, a report shall be submitted to PRMD regarding the effects of such damage, including recommendations for repair and/or replanting, if necessary. *Impact IV.D.1*

Mitigation Monitoring: PRMD Project Review staff will review the inspection and maintenance plan to ensure compliance with this condition. PRMD ARM staff will review Damage Reports and periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. If remediation or storm damage is identified, PRMD staff shall require completion of any repairs with a month, or issue a Notice of Violation. All Inspection Reports will be placed in the project file.

U/R 60. The operator shall inspect disturbed areas on-site regularly for presence of invasive plants, such as French and Scotch broom, and other species as determined by the Agricultural Commissioner. Occurrences of invasive species shall be removed immediately by pulling, digging, or other approved invasive plant control methods. Annual reports shall be submitted to PRMD. *Impact V.D.3*

Mitigation Monitoring: PRMD ARM staff will review annual reports and periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file.

U/R 61. Clearing of vegetation shall be conducted between August 15 to March 1 to avoid nesting birds. If clearing of vegetation occurs outside of the August 15 to March 1 nesting avoidance period, the owner must, prior to commencement of clearing of vegetation activities, retain a qualified biologist to survey the site for nesting raptors within 500 feet of the clearing area and for birds protected by CDFG, Sections 3503, within 250 feet of the clearing area. The survey distance for raptors and other birds may be modified by a qualified biologist depending upon site circumstances. If species are found to be nesting on-site or within close proximity, a buffer area shall be designated by the biologist and all clearing activities shall remain outside of this area until nesting is complete. The operator shall submit verification to

PRMD Project Review staff that the surveys have been completed and any recommendations made by the biologist are implemented. *Impact V.D.5*

Mitigation Monitoring: PRMD will conduct site inspections, verify compliance with the condition and will respond to all complaints. All inspection reports will be placed in the project file.

- U 62. Prior to commencement of tree removal, the operator shall hire a CDFG-approved biologist specializing in local bat species to survey the site. If occupied roosting habitat is identified, artificial roosts (wood structures) shall be established at suitable locations specified by a CDFG biologist, as near as possible to the site of existing roosts. Removal of roost trees would not be allowed until a time of day when the roost was unoccupied. The operator shall provide a verification report prepared by a qualified biologist to PRMD Project Review describing occurrences of bats and their habitat. *Impact V.D.6*

Mitigation Monitoring: The PRMD Project Review staff shall review the report and shall visit the site to verify that roosts are established, if needed. PRMD ARM staff will monitor compliance with the condition and will respond to all complaints. All inspection reports will be placed in the project file.

- U 63. All mining stockpiles, spoils, and recycled material shall be stored at least 200 feet away from Highway 116 unless fully screened by a berm and/or vegetation. All new structures shall be located at least 200 feet away from Highway 116. No junk, debris, non-operative vehicles, materials or equipment unrelated to the quarry shall be stored anywhere on quarry property except for the operator's personal and hobby-related equipment. *Impact V.E.1*

Mitigation Monitoring: PRMD ARM staff will periodically monitor compliance with the condition during ongoing quarterly field inspections and will respond to all complaints. All inspection reports will be placed in the project file.

- U/R 64. All employees shall undergo a cultural and paleontological resources orientation and awareness training prior to commencing clearing or mining activities in the expansion area. Such training shall include familiarization with stop work restrictions if buried archaeological remains, paleontological resources or artifacts are uncovered. The operator shall provide PRMD with a verification list of employees completing the orientation. The training and list shall be updated by the operator as new employees are added. *Impact V.G.1, Impact V.G.2*

Mitigation Monitoring: PRMD will monitor the mitigation by requiring the operator to submit to PRMD a written list of the employees and the date of their participation in the required training sessions prior to authorizing clearing or mining in the expansion area and periodically when new employees are added.

- U/R 65. During quarry operations, should any undiscovered evidence of archaeological materials or paleontological resources be encountered, work at the place of discovery shall be halted, and a qualified archaeologist and/or paleontologist shall be consulted to assess the significance of the find. Prompt evaluations could then be made regarding finds, and a plan of action consistent with CEQA and Sonoma County cultural resources management requirements could be adopted. If prehistoric Native American burials are encountered, a qualified archaeologist, the Sonoma County Coroner, the California Native American Heritage Commission and local Native American Heritage Commission shall be consulted in accordance with established requirements. *Impact V.G.1, Impact V.G.2*

Mitigation Monitoring: The PRMD Project Review staff shall be responsible for coordinating with the qualified archaeologist and ensuring the stop work order is complied with if archaeological or paleontological resources are uncovered.

- U/R 66. Night lighting shall be fully shielded and downward casting so as not to produce glare onto adjacent properties and roadways or into the sky. Temporary construction lighting shall be directional spotlights that focus on the work area. All new structures shall comply with

- screening and setback requirements of the Scenic Corridor and Scenic Landscape Unit designations of the Open Space Element of the General Plan.
- U/R 67. The operator shall continue to provide the California Department of Conservation and PRMD, in the manner specified by said agencies, annual reports on mining and reclamation activities on the site until the project is completed. *Impact ARM PEIR*
Mitigation Monitoring: PRMD will review reports for compliance with permit requirements and make available to the public.
- U/R 68. The operator shall require all its drivers to participate in a truck driver education/safety orientation which familiarizes rock haulers with speed limit zones, school bus stops, areas of low sight distance on haul routes, permit limits on trucking, weight and load height limits, circulation routes on the quarry site to minimize interference and preferred routes, and establishes procedures to reduce public conflicts and ensure traffic safety. A list of employees undergoing the orientation shall be submitted to PRMD prior to clearing or mining in the expansion area. The training program shall be retaken every two years and list shall be updated annually by the operator as new employees are added. *Impact ARM PEIR*
Mitigation Monitoring: PRMD will monitor the mitigation by requiring the operator to submit to PRMD a written list of employees and the date of their participation in the required training sessions.
- U/R 69. The operator shall require all its truck drivers with destinations to the south to use the Forestville Bypass/Mirabel Road Extension when it is completed to avoid downtown Forestville. A notice with written information about recommended haul routes shall be provided to independent and other truck drivers not employed by the operator. A copy of the notice and list of truck drivers receiving the information about recommended haul routes shall be submitted to PRMD within two months of the opening of the Forestville Bypass/Mirabel Road Extension.
- U/R 70. Any landscaping for the project shall comply with all provisions of the County Low Water Use Landscaping Ordinance. Drought tolerant landscaping shall be provided for the office and parking area, and the landscaping plan shall be reviewed and approved by PRMD Project Review prior to clearing or mining in the expansion area.
- U/R 71. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Planning Commission, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The operator must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The Director of PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Director of PRMD are limited to those items that were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from the Director, and shall not affect the original permit approval date or the term for expiration of the permit.

- U/R 72. This permit shall be subject to revocation or modification by the Planning Commission if: (a) the Commission finds that there has been a violation or noncompliance with any of the conditions, (b) the use for which this permit is hereby granted constitutes a nuisance, or (c) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use,

recognizing that the project as approved may result in some unavoidable environmental impacts. Any such revocation shall be preceded by a public hearing pursuant to Section 26-92-120, except that the Planning Commission shall be the hearing body, and noticed pursuant to 26-92-140 of the Sonoma County Code.

- U/R 73. The applicant shall notify PRMD in writing 30 days before implementation/activation of the use permit. Implementation/activation of the use permit shall consist of mining or clearing on the expansion area parcels or implementation of major conditions of approval as determined by PRMD. The Use Permit shall not be implemented/activated until after payment of fair share contribution traffic fees pursuant to Conditions No. 15-22, payment of traffic mitigation fees (Condition No. 14), payment of Notice of Determination (Condition No. 31) and processing fees (Condition Nos. 29, 37 and 38) and Reclamation Plan approval. If the Use Permit has not been implemented/activated within five (5) years after the date of the granting thereof, the permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the five year period, the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code. If this use permit becomes void, operations may continue under the previously granted use permits including a Use Permit for a quarry expansion (County File UP90-362) on APN 083-210-019 and Use Permits for a quarry, concrete batch plant and caretaker mobile home (County File 2291) on APNs 083-130-082, -083, -084, and -085. This Use Permit shall expire when all reclamation work has been completed in the expansion area and approved by PRMD, or 20 years from the date of permit implementation/activation, whichever occurs first. Upon the completion of mining, all processing equipment used for mining and other materials, equipment and vehicles shall be removed from the site so that reclamation can be completed.