

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA**

RESOLUTION NO. 96-10 - AT MEETING HELD APRIL 15, 1996

Introduced by Commissioner Cartwright

Seconded by Commissioner Hamlin

WHEREAS S.R.D.C. Company ("Permittee") has filed with the Alameda County Planning Department to approve Surface Mining Permit SMP-34 to allow continued quarry operations, resource extraction and site reclamation on a portion of a 190 acre \pm parcel, owned by Permittee, also previously permitted for the similar activities under Quarry Permit Q-46 and SMP-4 (the "Niles Canyon Quarry," approved by the Board of Supervisors in 1965, with reclamation plans approved in 1980, to expire in 1995), the site being located approximately one (1) mile west of the town of Sunol on State Highway 84 (Niles Canyon Road), north side, in unincorporated Alameda County, Assessor's Parcel Numbers 96-115-2-4, 96-125-6-1 and -2; and

WHEREAS the Alameda County Planning Commission is designated by the Alameda County Surface Mining Ordinance as the Advisory Agency for taking action on surface mining applications; and

WHEREAS Surface Mining Permit SMP-4 expired on October 31, 1995, with only two (2) percent of the clay/shale resource having been extracted, and therefore none of the necessary reclamation having yet been accomplished; and

WHEREAS a Draft Initial Study and Mitigated Negative Declaration were prepared for this Project, and circulated for public review and comment on February 25, 1996 in accordance with the provisions of the California Environmental Quality Act (CEQA), and appropriate mitigation measures were developed to reduce the significant impacts of the projects to a less-than-significant level, and comments on the Initial Study, Negative Declaration and project were received and considered by this Commission prior to project approval; and

WHEREAS the Draft Initial Study and Mitigated Negative Declaration were reviewed and considered by the Commission together with the mitigation measures and integral mitigation monitoring programs; and

WHEREAS notice of public hearing was given as required by law, and the Alameda County Planning Commission held a public hearing on this Project application on April 1 and April 15, 1996 in the Auditorium of the Alameda County Public Works Building, 399 Elmhurst Street, Hayward, California; and

WHEREAS the testimony submitted at the public hearing and items in the public record have been considered by the Commission prior to this action; and

WHEREAS a Pre-Hearing Analysis has been submitted recommending that the Initial Study and Negative Declaration be approved subject to the provisions of the California Environmental Quality Act, and that the project be approved subject to conditions of approval specified below; and

WHEREAS the Commission did find that certain conditions of approval are necessary for maintenance of the public health and safety and are a necessary prerequisite to safe and orderly continuing quarry and reclamation activities on the affected parcels.

NOW THEREFORE,

BE IT RESOLVED that this Commission does hereby find that the approval of Surface Mining Permit SMP-34, extending surface mining activities on the specified portion of the 190-acre± parcel known as the Niles Canyon Quarry owned by the Permittee is in the public interest for the reason that it is consistent with County plans, policies and ordinances for surface mines in Alameda County; and

BE IT FURTHER RESOLVED that this Commission does hereby find that the Initial Study and Negative Declaration constitute complete and adequate environmental review for Surface Mining Permit SMP-34, and does hereby adopt the Mitigated Negative Declaration as the environmental documentation for this project; and

BE IT FURTHER RESOLVED that this Commission does hereby find that, based on the information provided in the Initial Study and the comments received, there is no substantial evidence that Project with mitigation measures would have a significant effect on the environment; and

BE IT FURTHER RESOLVED that this Commission does hereby approve Surface Mining Permit SMP-34 to allow continued quarry and reclamation activities on the 190 acre± parcel known as the Niles Canyon Quarry owned by the Permittee for a period of 25 years, to expire December 31, 2021, in accordance with the following 65 conditions of approval:

Administrative Conditions:

1. Surface mining operations and reclamation shall be in substantial conformance with the various maps, information, and recommendations labeled "Exhibit B, SMP-34," as approved by the Planning Commission on April 1, 1996, unless otherwise modified in conditions which follow or under the procedures of Condition #19; "Exhibit B, SMP-34" includes (a) application booklet, S.R.D.C., Company, submitted 1995; (b) Mining Plans, Reclamation Plans, Phasing Plans and Landscape Plans, 6 sheets, prepared by Whaley & Associates, dated May 1996.
2. Mining and reclamation shall conform to the Alameda County Surface Mining Ordinance (ACSMO) except as hereinafter more specifically provided.
3. Permittee shall guarantee timely performance of reclamation requirements of the ACSMO, the Surface Mining and Reclamation Act, and these conditions, by creating or continuing an escrow account acceptable to the County of Alameda. Permittee shall deposit in said account by July 1 of each year fees in a quantity sufficient to bring the total value of the account to the value of the reclamation financial assurance estimate calculated under Condition No. 4. The permittee shall receive credit for final reclamation completed during the period as determined by the Director of Public Works during his periodic review pursuant to Condition No. 5. Said credit shall be deducted from the required deposit and/or refunded from the escrow account except that an accumulated minimum of \$10,000.00 or the estimated cost of reclamation as determined annually through the review required by Condition No. 4, whichever is greater, shall be retained in the account until reclamation is completed. The escrow account shall be made payable only to the County of Alameda and the Director of the State Department of Conservation. A copy of the revised mechanism shall be submitted within 30 days of approval of this permit.
4. An estimate report of the cost of reclamation for closure during the current year, and if within three years of the completion of mining for all reclamation components yet to be accomplished, shall be prepared annually by a registered engineer and submitted for approval by the Planning Director before July 1 of each year. The report shall estimate the costs of final reclamation of the disturbed land at the time of the report to leave the land in a safe, stable and revegetated condition, or if within three years prior to completion of mining, to completely reclaim the land under permit according to the approved reclamation plan. Specifically, the estimate report shall include the following issues as required by SMARA and the California Code of Regulations: (a) the estimate shall assume a worst-case scenario, and the cost estimate shall reflect lead agency or third-party

costs for reclamation; (b) cost associated with implementing all necessary mitigation from the negative declaration and conditions of approval regarding the actual presence of the quarry; (c) a list of specific equipment to be used and associated costs (labor and materials); (d) the cost to remove unused concrete and rebar; (e) the cost to remove remaining buildings, structures, materials and equipment not related to the final use following reclamation; (f) mobilization and monitoring costs. This report, when approved, shall be used to calculate necessary modifications to the value of the combined amount of financial assurances for the following year.

5. Permittee shall furnish the Director of Public Works with a report describing compliance with these conditions by July 1 of each year, beginning July 1, 1997. Reports shall cover the period between January 1 and December 31 of the previous year. With each report, Permittee shall provide a map at the same scale as the approved mining and reclamation plans, showing current progress of mining and reclamation, drainage, erosion, and sedimentation control facilities to be provided and those in place, and as built landscaping status of all prior landscaping.

The Director of Public Works shall review the report and inspect the mining operations to determine and assure continuing compliance with the regulations of the Alameda County Surface Mining Ordinance and conditions of this permit. Permittee shall pay the County the actual cost of conducting the periodic inspection of operations and shall make available to the Director of Public Works such information as necessary for determination of compliance. The Director of Public Works shall state the findings of the inspection in a final report which shall be sent to the Permittee within 30 days and made available to the public upon request. One copy of said report shall be sent to the Planning Commission.

6. A geotechnical reconnaissance of the site shall be undertaken every two years and its results and recommendations shall be submitted to the Director of Public Works with the annual report, beginning in the year 1998. This reconnaissance shall include information pertaining to stability of slopes and any other geotechnical information pertinent to the reclamation of the site under the Surface Mining Ordinance and these conditions. Reclaimed slopes constructed by the time of each report shall be inspected to ensure stability. The Director of Public Works may enforce any recommendations offered, or may order that additional work be performed or changes made as required to correct geological problems.
7. The mine shall be considered idle in a given year if production of resource in that year is less than ten percent of the historical yearly maximum as measured commencing on the date of permit approval. For the purposes of this permit, a working slope shall be considered idle if it has not been significantly disturbed for a period of one year. If the mine becomes idle during any year, the Permittee shall prepare and implement an Interim Management Plan (IMP) in accord with the requirements of the Surface Mining and Reclamation Act and the Surface Mining Ordinance.
8. Upon expiration or revocation of the permit and completion of the reclamation plan, any funds remaining under guarantee shall be released to Permittee upon the satisfactory determination by the Director of Public Works that the conditions of the permit have been met and that the site has been reclaimed in accordance with the approved reclamation plan. Otherwise, said guarantee shall be used by the County to bring the quarry into conformance and to reclaim the site.
9. Permittee shall pay to the Planning Department a surcharge of \$ 0.015 per ton of exported mineral material to help cover the Department's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be paid into a Planning Department account at the

time that the annual escrow account deposit for reclamation is paid in accordance with Condition No. 3, except that the surcharge account shall not require a specific initial balance, and the surcharge shall be calculated on materials sold beginning May 1, 1996 and shall be paid beginning on February 1, 1997. Otherwise, the tonnage on which the surcharge is based shall be the total tonnage of material sold from January 1 through December 31 of the previous year. The amount of the surcharge shall be considered at each Five Year Review for SMP-34, and in any event may be adjusted annually by the Planning Commission to reflect inflation.

10. Permittee shall pay to the Public Works Agency a surcharge of \$0.008 per ton of exported mineral material to help cover the Agency's costs in administering Alameda County's surface mining and reclamation program. This surcharge shall be calculated as described for the fee levied under Condition No. 9 above.
11. Permittee shall contribute a total of \$4,000 to a study and plan for agricultural preservation and enhancement in the Sunol Valley area. The funds shall be deposited in two equal semi-annual installments from the date the permit is granted, unless another payment schedule is worked out with the Planning Director.
12. Permittee shall contribute a total of \$4,000 for a landscaping and beautification program in downtown Sunol, which could include landscaping, infrastructure, and/or other projects. Funds may be used for "seed" money, matching funds, actual project design and implementation or long-term maintenance. The funds shall be deposited in two equal semi-annual installments from the date the permit is granted, unless another payment schedule is worked out with the Planning Director. The Planning Director shall be responsible for authorizing the use of these funds for the above purposes, subject to input and review by the Sunol Citizens' Advisory Committee.
13. Permittee and any lessees shall provide a written statement that they accept responsibility for reclaiming the site as indicated on this mining and reclamation plan as approved in this permit, and shall guarantee all reclamation in accordance with said plans. Said responsibility shall run with the land under permit as a covenant thereupon until release of the covenant is recorded by Alameda County or the Director of the Department of Conservation, as applicable.
14. If problems develop regarding mining or reclamation as may be determined by the Planning Director, Permittee shall take corrective action with all due haste, in good faith. Permittee shall implement solutions as approved by the Planning Director.
15. Processing of quarried materials may be conducted continuously, but shall be limited to excavation, crushing, mixing with waste concrete and necessary transportation of materials. Any other materials activity must be approved by the Planning Commission. This measure shall not be construed so as to limit activities to remove unused equipment or waste from the site.
16. The end use of the site upon complete reclamation is hereby assumed to be for open space and extensive and limited intensive agriculture. Uses permitted shall be compatible with water management and quality.
17. Within one year after expiration of SMP-34 or after termination of mining, all equipment and inoperable or waste materials shall be removed from the site, and the site shall have been brought into conformance with the reclamation plan. Structures shall also be removed, except that the

existing office building may remain if determined at the time of reclamation to be compatible with proposed site use through zoning consideration and a site development review.

18. All overburden shall be retained on site for use in reclamation. Overburden shall be considered as the soil material which lies above natural mineral deposits routinely processed through the plant to obtain aggregate.
19. Within five years from the date of approval of this surface mining permit, and at five year intervals thereafter, the Planning Commission shall review compliance with the permit and reclamation plan, and consider any new or changed circumstances which should be accommodated by the plans. The review shall include a public hearing. Permittee shall pay actual cost of reviews. As a result of this process, the Planning Commission may modify the reclamation plan or guarantees thereof to conform with the Alameda County Surface Mining Ordinance, the State of California Surface Mining and Reclamation Act, and Conditions of Approval for this surface mine.
20. Permittee shall defend, indemnify and hold harmless Alameda County or its agents, officers or employees from any claim, action or proceeding against Alameda County, or its agents, officers or employees to attach, set aside, void, or annul this Surface Mining Permit, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Surface Mining Ordinance, the California Surface Mining and Reclamation Act, other County ordinance requirements and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. If Permittee shall fail to adequately defend the County of Alameda, the County may provide its own legal defense and Permittee shall be responsible for the County's reasonable attorneys' fees.
21. Permittee shall pay to the County of Alameda reasonable and actual costs incurred by the County for review, approval, administration and monitoring of all programs, including inspections required pursuant to these Conditions. This may require the hiring of additional personnel on either a part-time or full-time basis. The Planning Director and/or Director of Public Works are hereby expressly authorized to utilize their own employees, other agencies and/or private consultants, as necessary, to conduct such reviews, inspections and administration and to make necessary approval determinations. Permittee shall be notified prior to any unusual or extraordinary expenditure of funds.
22. This mining permit and reclamation plan shall expire December 31, 2021, or on such earlier date as may be mutually agreed to by the permittee and the County of Alameda.

Operational Conditions:

23. All processing operations involving mineral resource or concrete shall utilize the portable crusher to be placed in Site 1, and shall be confined to Site 1.
24. Permittee shall conduct quarry operations from 7:00 AM to 5:00 PM, Monday through Saturday. No quarry operations shall be conducted on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.
25. Permittee shall conduct quarrying operations in a manner that shall not cause or result in pollution of the ground water basin. Permittee shall conform to all requirements of the San Francisco Bay

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- Regional Water Quality Control Board with respect to discharge of silt-laden water and waste materials.
26. Permittee shall implement erosion control measures in an effective and timely manner. The on-site sedimentation basins shall be maintained in efficient operating condition.
 27. At the time of final reclamation, any remaining drill holes from exploratory operations prior to mining shall be capped and sealed in accordance with the requirements of CCR Section 3713(a).
 28. All trucks, engines on dirt moving equipment used for surface mining operations, and any other internal combustion engines used on site shall be equipped with mufflers, and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device intended to thwart quieting or otherwise having that same effect.
 29. The permittee shall request all vehicle operators to have noise attenuating mufflers as required by the State of California Vehicle Code. Signs notifying drivers of these requirements shall be posted at the scale location. Provisions contained in this Condition shall be mandatory for vehicles owned by, or under the control of permittee. Drivers not cooperating with this provision shall be discouraged from hauling materials from the site.
 30. No vibration shall be permitted that will result in damage to property or injury to persons on adjacent property or at the property line.
 31. No explosives shall be used, except at such times as permitted by the Planning Commission after consideration of an application by Permittee.
 32. All surface mining and processing operations emitting smoke, vapors, dust and other airborne contaminants shall be provided with all necessary control measures and devices as required by the Alameda County Health Care Services Agency and the Bay Area Air Quality Management District to prevent the occurrence of nuisance and undue pollution of the air. This shall include, at minimum, maintaining internal combustion engines in good condition to minimize exhaust emissions; watering of unpaved travel routes and operating areas at least twice daily using a water truck or equivalent; using water sprays on equipment for crushing or processing of the mineral/concrete resources; using, as required, dust palliative materials (nominally Dustrol polyetber or other approved chemical) either in the water sprays or directly on disturbed soils, according to directions. All quarried materials, stockpiles, materials conveyed on-premises, and materials processed shall be handled and treated so that visible airborne dust is contained to Permittee's site.
 33. No stockpiling of overburden shall occur off site.
 34. Except as otherwise approved by the Planning Director for boundaries common with adjacent lands, Permittee shall maintain standard quarry permit fencing along all boundaries of the area covered by SMP-34 with adjacent lands not owned by Permittee.
 35. Permittee shall provide potable water for employees.
 36. Disposal of sewage shall meet all requirements of the County Health Care Services Agency.

Geologic Conditions:

37. Permittee shall create no final or interim grades of greater slope than 1.5 feet horizontal to 1 foot vertical (1.5:1), sufficient to avoid adverse bedding or other conditions on site that could result in instability. Monitoring shall consist of inspection and reporting once annually by Public Works staff on the slopes achieved and the condition of those slopes, along with recommendations to the Planning Commission for stabilization of slopes if the slopes indicated on the mining and reclamation plans show significant signs of instability. The Planning Commission shall have authority to impose additional requirements to ensure slope stability if necessary, including but not limited to gentler slopes in unstable areas.
38. Permittee shall use dampened soil for coverage on idle or rough reclamation slopes, lightly compacted, and use a "high-tack" hydroseed mixture to apply on the slopes; revegetation for stabilization or reclamation shall be performed during the late summer and early fall to establish substantial root growth prior to the rainy season. Blankets or netting for soil stabilization may be used sparingly when necessary, but only for temporary coverage and only on recently disturbed areas that are without substantial vegetative growth; when used for areas that will not be disturbed for six months or more, these methods may only be used in conjunction with interim revegetation establishment and until the interim revegetation has become established. Monitoring shall consist of inspection of erosive areas frequently by the Permittee and inspection and reporting periodically by Public Works staff of the condition of idle or reclaimed slopes and the vegetative cover thereupon, with recommendations to the Planning Director to correct deficiencies. Planning Director shall have authority to impose additional requirements as necessary to preserve vegetation on idle or reclaimed slopes.
39. Permittee shall construct horizontal drainage channels on each bench to prevent large amounts of water from above and from the bench itself to run off onto slopes down gradient. The channels shall be designed to gradually drain water into the general drainage system where runoff water shall be contained to allow silt to settle out. Monitoring for this measure shall consist of submittal by Permittee of details of the complete drainage system to the Director of Public Works for review and approval prior to August 1, 1996, followed by periodic inspections by Public Works staff during the rainy season to ensure that the approved drainage features are properly constructed and operating.
40. Permittee shall note locations of faults when they are encountered through excavation on site. Permittee shall retain an engineering geologist or other qualified professional consultant to evaluate any faults as they are discovered. Upon location of a fault, the consultant shall observe the fault in the context of the quarry, note possible hazard or instability conditions, conduct core or surface sampling if necessary, perform a literature review for known fault activity, and prepare a report with recommendations for prevention of instability or hazard during seismic events on the fault. Monitoring shall consist of submittal of the report to the Director of Public Works for review and approval with the annual report, with a copy to the Planning Director. Recommendations set forth in the document and approved by the Director of Public Works shall be implemented by Permittee, with verification by the Director of Public Works through periodic inspections.

Hydrology:

41. Permittee shall prepare a final hydrology and sedimentation pond study for submittal to the Director of Public Works by August 1, 1996. Permittee shall consult with Public Works staff during preparation of the study. The study shall address issues of, and establish criteria for, runoff volume, drainage capacity for that level of runoff, adequacy of capacity of the sedimentation pond to contain runoff from the 100-year, 24-hour storm event, and recommended improvements to meet these criteria. Upon approval by the Director of Public Works, the Permittee shall submit these and other necessary materials (possibly including a Storm Water Pollution Prevention Plan) to the Regional Water Quality Control Board, Region 2, to obtain an Industrial Storm Water Permit if necessary. Permittee shall install recommended improvements before excavation or disturbance beyond the area already disturbed prior to the date of approval for SMP-34.
42. Permittee shall install a riser pipe in the sedimentation pond to allow only surface water from the pond to escape, allowing settling sediment to remain in the pond. The riser pipe shall be installed and improved prior to October 1, 1996. Monitoring shall consist of inspection and verification by Public Works staff on or about October 1, 1996. Public Works staff shall have authority to halt work after this date until the installation is satisfactory.
43. Permittee may remove sediment from the pond as required annually between September 1 and October 15, to avoid possible disturbance of breeding tiger salamanders and red-legged frogs. The sediment may be sold as product or used as fill on site, but shall not be used as topsoil for reclamation. Permittee shall be responsible for monitoring and implementation of this measure.
44. No stockpiling of overburden or aggregate material on or from the quarry parcel shall occur within 30' of any stream directly tributary to Alameda Creek, but shall be located only in areas with drainage to silt ponds of SMP-34. Grading on site shall conform to design standards (Sections 7-115.0 through 7-115.190) and geotechnical requirements (Sections 7-114.2 through 7-114.10) of Alameda County Grading Ordinance No. 82-17. A complete erosion and sedimentation control plan shall be submitted to the Director of Public Works for approval prior to commencement of operations, subject to annual inspection and review by the Director of Public Works. Any changes to the plan shall be submitted for review and approval by the Director of Public Works. Implementation of this plan shall be monitored by Public Works staff during periodic inspections.
45. Total disturbed area of the active quarry pit area shall not exceed 25 percent (9.3 acres) of the total proposed quarry pit area during the period from October 15 to April 15, unless for good cause a greater area is approved in writing by the Planning Director. Permittee shall plan and implement mining activity to achieve this goal during the entire year when feasible. If any area exceeding this amount is disturbed during the summer dry season, Permittee shall take steps to stabilize the excess beginning on September 1 so that full stabilization may be achieved by October 15. Stabilization may consist of full revegetation, heavy mulching, or full coverage with tarpaulins, provided that the coverage does not result in additional excess runoff during heavy rainstorms.
46. Permittee shall install permanent horizontal drains when and where seepage is found during mining to drain seepage water away from the slopes without resulting in slope failure. Permittee shall submit a conceptual design and installation plan for horizontal drains for review and approval by the Director of Public Works by August 1, 1996. Drains shall be installed promptly wherever seepage is noted on idle or final quarry faces. Monitoring shall consist of reporting to Public Works staff by Permittee during annual reports, with subsequent periodic inspections by staff.

Biology:

47. Permittee shall avoid the seasonal stream beds on the eastern margins of Sites 1 and 2 by a nominal minimum of 100 feet and an absolute minimum of 50 feet, except where the stream currently flows through a disturbed area for approximately 300 feet along the southeastern edge of Site 1; for that area excavated within 50 feet and 100 feet of the stream bed, replant Valley Oaks and associated species (big-leaf maple, western sycamore, elderberry, and buckeye) to replace the woodland lost to excavation where appropriate, or use interior live oaks and coast live oaks where drier conditions prevail, to replace the woodland lost acre for acre. For Site 2 where the stream would be completely excavated, Permittee shall restore the stream to its approximate path at the completion of excavation, with adequate soils and appropriate plantings to allow habitat restoration; in this stream bed, a pond of at least 0.33 acre (14,520 square feet) shall be established to replace ponds lost during excavation, and shall plant the shore of the pond with riparian species as specified above. Permittee shall use interior live oak trees or other appropriate native species as landscaping trees and for visual attenuation of the quarry where necessary, especially along the southeast edge of Site 1. Permittee shall ensure that the selected tree/bush palette would be suitable for the climate and soil conditions in each location, and that once planted, will achieve a survival rate of at least 75 percent after five years, including the period following final reclamation. If the success/survival rate after five years is less than 75 percent for any segment of the plant population, Permittee shall do one of the following:

1. Restore the population back to 100 percent and take steps to ensure survival of the plant type; or
2. Replace the lost population with an alternative species more likely to succeed and that is acceptable to the Planning Director.

Containerized plants shall be planted on a schedule to avoid summer temperatures, as early as possible after November 1 of the year. The landscaping shall be maintained in satisfactory condition through the close of reclamation. Monitoring shall include submittal of the revised landscape plan for review and approval by the Planning Director prior to the November 1, 1996, but no later than four months following the renewal of mining (the Planning Director shall refer the plan for review and recommendation to the Sunol Citizens' Advisory Committee (SCAC) prior to approval); certification by the Planning Director that the required landscaping has been installed at appropriate times; and annual monitoring of success rates and maintenance for the landscaping by Permittee's consultant and County Planning staff, with progress to be discussed in required annual reports.

48. Permittee shall retain an independent consultant to conduct a survey according to applicable Department of Fish and Game protocol for the fragrant fritillary plant and the Diablo helianthella plant in February or March during the winter prior to start of Site 2 excavation to determine whether the plants reside on site. If no fragrant fritillary or Diablo helianthella is found, nothing further need be done. If either the plant is found, the consultant shall recommend a method to relocate the population to another suitable location on Permittee's property. The relocation program may involve simple transfer of the fritillary or helianthella populations, or recreation of the habitat if none suitable is found on site. The consultant or another appropriate person shall implement the program prior to commencement of excavation, and monitor and maintain the population during subsequent mining and reclamation until it is firmly established in its new location. The program shall be considered successful when the population becomes stable at no less than the 90 percent survival level for at least five years; after this rate is achieved, simple annual monitoring through

final reclamation shall be performed by the Permittee's consultant, with reporting to the Planning Director and inspection by County staff.

49. Permittee shall retain a qualified biological consultant to perform a dip net survey according to appropriate Department of Fish and Game protocol during the late winter/early spring prior to excavation of the ponds in Sites 1 and 2 to determine whether the California tiger salamander and/or the California red-legged frog are present at the time. Since Site 2 would not be quarried for some time following the start of Site 1 excavation, the ponds in the area near Site 2 would not need to be surveyed until approximately one year before quarry activity is expected to begin.

Survey results shall be submitted to the California Department of Fish and Game, at the Yountville office. If these species are not found, nothing else need be done. If one or both are found, substitute ponds shall be prepared well outside the mining footprint, prior to commencement of mining in the inhabited area, possibly on gentle slopes or in nearby drainages on the property. Permittee's biological consultant shall prepare a plan, with Department of Fish and Game assistance and approval, for creation of the pond in an appropriate on-site area not otherwise biologically sensitive; the ponds shall be created according to the plan. The consultant shall prepare, implement and monitor a plan for reproduction of the species in the new ponds, which shall be encouraged and monitored for a minimum 5-year period. The standard of success shall be successful breeding of either or both species for at least four of the five years. After the population is established, the new pond area shall be well-marked in the field and left undisturbed.

50. Permittee's consultant may conduct a survey for the Alameda whipsnake according to appropriate Department of Fish and Game protocol prior to disturbance of scrub habitat on site to determine whether it is present, and if so, mitigate for habitat loss. If no whipsnakes are found, no further mitigation will be required. If snakes are found, mitigation shall be performed as described below. If performed, the survey shall be submitted promptly to the Planning Director and Department of Fish and Game for review. If Permittee elects not to perform a survey, then Permittee shall provide mitigation for lost habitat. Habitat replacement shall consist of reestablishing the appropriate habitat on the reclaimed quarry walls, including slopes greater than 2:1. Specific Coastal Scrub shrub and grass species, consisting of California sagebrush, coyote brush, sticky monkey flower, chamise, and silver-leaved bush lupine, shall be planted carefully as finish vegetation on an area between 0.1 and 1 acre, or as required to satisfy Department of Fish and Game requirements for habitat replacement. Planted shrubs shall be on 2-foot centers, and shall be watered and fertilized. The plantings shall be monitored for 5 years for survival and success statistics, including growth to heights of at least two feet, minimum 80 percent survival and ten percent crown die-back for each species. The work shall be performed under the supervision of a qualified biologist. Monitoring shall consist of reports, prepared by the biologist, on the planting and progress of plant establishment, submitted to the Planning Director upon planting and then annually through the monitoring period. Reported information shall be confirmed during annual inspections by Public Works staff.
51. Permittee shall prohibit all but emergency access to the area north of the quarry (up slope). Permittee shall minimize quarry activity during the golden eagles' breeding season (February through June), to the extent that reasonable operations are not impaired. This measure shall be monitored by the Permittee.

52. Permittee shall contact the California Department of Fish and Game and Army Corps of Engineers for consultation and acquisition of necessary permits (Stream bed Alteration Agreement and or Clean Water Act Permit) prior to excavation or other disturbance in stream channels.
53. Permittee shall, upon creation of any feature for the purpose of biological mitigation, place a permanent easement over the feature, or implement another method as approved by the Planning Director for preservation of the feature. In any case, an adequate buffer zone shall be included to protect the feature from inadvertent disturbance during the life of the quarry.
54. For the creation and monitoring of any feature designed for the purpose of biological mitigation, the Permittee's qualified consultant shall include in his/her monitoring plan a set of standards for extent of cover, plant density and species richness, according to the requirements of California Code of Regulations, CCR Section 3705.

Archaeological Conditions:

55. In the event that suspected archaeological materials are located during quarry activities, the Permittee shall:
 - a. Immediately halt or relocate excavations and contact a qualified archaeologist or paleontologist to inspect the site, along with the County Coroner. If the scientist and/or Coroner determines that potentially significant materials or human remains are encountered, the scientist shall record, recover, retrieve, and/or remove them;
 - b. (If human remains are found onsite), shall notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the Coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on the site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;
 - c. Provide a copy of documentation of all recovered data and materials found onsite to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
 - d. If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.

Monitoring shall include constant observation by Permittee for any materials or remains that might fit the description of archaeological or paleontological remains; and submittal of a summary of findings on an annual basis (at the time of the annual report) during activities to the Planning Director for review and completion of records.

Visual/Aesthetic Conditions:

56. Permittee shall plant native trees and shrubs in adjacent groups along the western edge of Site 2 from 325 foot elevation to the 500-foot elevation to the extent possible on the present slope. Vegetation shall include coast live oaks and an acceptable species of pine, such as digger pine or

Bishop pine. Permittee shall also plant groupings of trees and shrubs in a similar way along the south side of the larger of the two existing sedimentation ponds, near the outfall end of the pond and extending at least from 100 feet west of the outfall end of the pond to 100 feet east of the outfall end of the pond. The plant list shall include coast live oaks, valley oaks and one or both pine species. These tree groupings shall be planted within the first year after approval of SMP-34, and shall be tended to meet the growth criteria specified above in Condition No. 48. Monitoring shall include submittal of the vegetation plan for review and approval by the Planning Director, with referral for recommendation by the Sunol Citizens' Advisory Committee (SCAC), at least one year prior to the renewal of mining on Site 2; certification by the Planning Director that the required landscaping has been installed at appropriate times; and annual monitoring of success rates and maintenance for the landscaping by Permittee's consultant and County Planning staff, with progress to be discussed in required annual reports. The vegetation plan for this area may be submitted simultaneously with the vegetation and landscaping revisions required above in Condition 48.

57. Permittee shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of security concern, and that the lighting is directed toward the area; under no circumstances shall areas beyond the site boundaries be directly illuminated, nor shall general lighting radiate above the horizontal, but shall be shielded to illuminate only the area of concern. Any lighting placed on areas nonessential for security or active operations shall be placed on a motion detector circuit so illumination only occurs as necessary. Any lighting for operations in the pits shall be placed as low into the pits as possible. Monitoring shall include occasional inspection of night time conditions by County Staff to ensure that lighting is directed toward the area of concern and that areas beyond the site boundaries are not directly illuminated; and immediate response to complaints about excessive night lighting.

Public Facilities and Traffic Safety Conditions:

58. Mining and hauling operations shall not impose public maintenance burdens on county or state roadways. Permittee shall contribute to the cost of maintaining, repairing, strengthening or reconstructing segments of Niles Canyon Road from Mission Boulevard to Interstate 680 or other specifically affected roadways, if County inspectors or CALTRANS studies report a need for pavement or surface improvements. Participation by Permittee in the cost of the improvements shall be in proportion to the percentage of heavy truck traffic volumes on the identified roadway segment(s) contributed by the quarry operation and 100 percent toward any road damage directly and solely attributable to the SMP-34 operations, which shall be repaired promptly. The method of calculating proportionate share shall take into account the level of use, utilizing the proportion of traffic consisting of quarry truck traffic for the preceding three year period based on sale of material and imported reclaimed concrete, with a ratio of one truck equal to three passenger vehicles unless otherwise specified in the report. The Permittee shall not be responsible for any overall transportation improvements which would be deemed necessary in the absence of the quarry, including general widening, bridge replacement, flood, landslide and washout reconstruction, roadway upgrades required to accommodate larger traffic volumes, or installation of traffic signals. Monitoring for this measure shall consist of notation of Permittee's responsibility by either CALTRANS or Alameda County Public Works Agency at any time when roadwork is known to be necessary.
59. Main access roads shall be paved with asphalt from Niles Canyon Road to within 100 feet of the loading point within the sand and gravel pit. Other haul routes may be paved, watered, oiled, or

treated with a dust palliative as appropriate to minimize dust. Monitoring for this measure shall consist of observation of compliance during periodic inspections by Public Works staff.

60. The driver of a weighed vehicle, loaded beyond current State of California maximum legal weights, shall be notified and requested to reduce the load to the legal limit. If loaded materials are subject to dust generation, drivers shall be requested to moisten loads at facilities to be conveniently located and maintained on site; otherwise, loads shall be watered or covered in accordance with applicable sections of the California Vehicle and Highway Codes. All loaded vehicles shall be required to pass over a material shakedown area with berm, bumper or ditches provided. Loading areas shall be paved, oiled or watered to maintain a dust-free condition. Monitoring for this measure shall be conducted by Permittee on a daily basis, with compliance verified by Public Works staff during periodic inspections.
61. Permittee shall promptly clean up any debris dropped or materials spilled by vehicles originating at the Niles Canyon Quarry on Niles Canyon Road or the public right-of-way. Permittee shall use a sweeping vehicle as necessary to remove spilled materials that cannot be picked up by hand. This measure shall be primarily monitored by Permittee on a daily basis, with observation of compliance by Public Works staff during periodic inspections.
62. Permittee shall, with CALTRAN's permission, provide adequate quarry warning signage on State Route 84 and increase sight distance from the quarry entrance to the west by minor tree trimming along the edge of the pavement and within the right-of-way between 400 feet and 600 feet west of the quarry entrance on the south side of the road. No standing trees or bushes shall be removed. Permittee shall request permission within 60 days of permit approval.
63. Permittee shall provide to CALTRANS, with notice to the Planning Director and Director of Public Works, a proposal to improve Niles Canyon Road, State Route 84, at the intersection with the quarry access road. The proposal shall be to provide a turning pocket/lane for eastbound quarry vehicles to stack and a widening to accommodate acceleration/deceleration of westbound quarry vehicles. The proposal shall include provisions for restriping and/or widening, as necessary, and shall describe the work required to complete the task, including grading, clearing of vegetation, and roadway construction. The proposal shall be submitted by September 1, 1996.

Fire and Emergency Conditions:

64. Permittee should prepare and submit a fire safety and prevention plan no later than May 15, 1996 to the California Department of Forestry and County Fire Department, with a copy to the Planning Director, to mitigate potential fire hazards and provide adequate fire access. The CDF and County Fire Department should have authority to recommend changes to the plan and for final approval. All required fire safety equipment and plans should be implemented by July 1, 1996. Permittee should submit proof of approval of both the plan and installed equipment and features to the Planning Director in a timely manner following each action.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Cartwright, Hamlin, Lepell, Peixoto, Schilling, Ysit

NOES: None

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EXCUSED: Paisal

ABSENT: None

ABSTAINED: None

ADOLPH MARTINELLI - PLANNING DIRECTOR & SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY