

Attachment 1

(Applicant Proposed Mitigation Measures)

AESTHETICS

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce visual impacts to less than significant levels.

- Sorting / stockpile area plans demonstrating the ability to locate the office structure, the mining equipment, and portable toilet behind the proposed stockpiles locations as viewed from Indian Valley Road will be submitted. During operations of the sand and gravel mine, the office structure, mining equipment, portable toilet, and other mining equipment will be located behind the proposed stockpiles locations and / or screened using existing topographic features as viewed from Indian Valley Road.
- During operations of the sand and gravel mine, equipment that is not associated with the primary mining operation will not be stored within the mining, stockpiling and sorting areas.

AGRICULTURAL

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce agricultural impacts to less than significant levels.

- During operations of the sand and gravel mine, mine operations will be limited to the areas identified in the approved plan for sorting / stockpiling areas and haul roads.
- Prior to initiation of mining activities, sorting / stockpile areas will be clearly marked (series of stakes) and maintained for the life of the project to ensure direct impacts to adjacent agricultural areas do not result from sorting and stockpiling activities. Upon completion of mining activities and as part of mine reclamation, complete removal of any road base material will occur.
- During operations of the sand and gravel mine, the mingling of gravel from mine operations into capable farmland areas will be avoided. Haul road improvements including shoulders will be limited to no more than necessary for truck traffic. No mining-related traffic, disposal of mining materials, or other farmland impacts will occur on farmland outside of identified haul roads and sorting / stockpiling (operations) areas.
- During operations of the sand and gravel mine, dust impacts to adjoining productive farmland will be avoided. The mine operation will meet all applicable Air Pollution Control District ("APCD") mitigation measures. In order to adequately protect on-site agricultural resources and operations, APCD mitigation measures will also apply within the project site. No transport of particulate matter will occur beyond the identified operation areas, including identified access route corridors / haul roads, on the project site.

- Upon completion of mining activities, impacts to farmland will be remediated through soil restoration at the conclusion of the mine's term of operations.
- Prior to the initiation of mining activities, a weed management plan that is reviewed and approved by the Environmental Division in consultation with the County Agriculture Department will be developed. The plan will include mechanisms to adapt to changing conditions or new weed species, include control measures to be used for each weed as well as action thresholds for weed control measures, and will address implementation throughout the life of the mine operation. The plan will be included in the revised reclamation and this plan will include, at a minimum:
 - Surveys of the mining site (as requested during the annual inspection) to identify problem weed species including but not limited to yellow starthistle (*Centaurea solstitialis*), Italian thistle (*Carduus pycnocephalus*), Russian thistle (*Salsola iberica*), Salt cedar (*Tamarix spp.*), Perennial pepperweed (*Lepidium latifolium*), Tree-of-heaven (*Ailanthus altissima*) and Giant reed (*Arundo donax*);
 - Implementation of a control program when problem weed species are identified in or near extraction areas;
 - Control of problem weeds within and around operations and haul road areas;
 - Equipment and vehicle checks for seed harborage, coupled with cleaning, as necessary; and
 - Consistent with SMARA Section (CCR3705(k)).
- Prior to initiation of mining activities, any irrigation lines and valves that will be impacted by project related improvements will be relocated to ensure mining activities do not preclude continued irrigation production on the project site.
- Upon completion of mining activities, and in no case longer than twenty (20) years from the date of permit approval, all disturbed farmland areas will be restored to its previous biological, chemical, and physical condition. Prior to initiation of mining activities, a farmland reclamation plan will be submitted for review and approval by Environmental Division in consultation with the County Agriculture Department and will address at a minimum the following:
 - Deep ripping of soils to alleviate compaction; and
 - Addition of soil amenities to increase fertility, drainage and overall soils quality.
- Farmland reclamation will not be deemed complete until the productive capability of the affected land is equivalent to or exceeds, for a minimum of two (2) consecutive crop years, of similar crop production on other sites (consistent with SMARA regulations). The site's productive capability will meet or exceed the following:
 - For irrigated alfalfa hay, the site will produce no less than the county average for the prior three (3) years, or seven (7) tons per acre, whichever is greater; and
 - For other crops, the site should produce no less than the three (3) year average production for that crop in the county.

If NRCS or SMARA performance standards at the time of reclamation exceed these standards, the standards that are more protective of farmland and land productivity will be utilized.

AIR QUALITY

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce air quality impacts to less than significant levels.

- Dust Mitigation Measures:
 - Reduce the amount of the disturbed area where possible,
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
 - All dirt stock pile areas should be sprayed daily as needed,
 - Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
 - Exposed ground areas that are planned to be reworked at dates greater than one (1) month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
 - All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
 - Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction site,
 - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two (2) feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
 - Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
 - Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required will be shown on all project plans. In addition, a designated person or persons will monitor the dust control program and order increased watering, as necessary, to prevent transport of dust off-site. Their duties will include holidays and weekend periods when work may not be in progress.

The name and telephone number of such persons will be provided to the APCD prior to initiation of mining activities.

- Prior to initiation of mining activities, a comprehensive Activity Management Plan will be developed, which is designed to minimize emissions from the mining, processing, and hauling of materials over the life of the project. The plan will be submitted to the APCD for review and will be approved prior to the project receiving authorization from the County to begin mining, processing and hauling of material. The plans will include but not be limited to the following elements:
 - Schedule truck trips during non-peak hours to reduce peak hour emissions;
 - Limit the length of the work-day period, if necessary;
 - Final dust mitigation for unpaved roads and areas as defined by the process identified above;
 - Mining and trucking equipment emission reduction measures as approved by the APCD; and
 - Green house gas emission reduction measures as approved by the APCD.
- Prior to initiation of mining activities, a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit for all portable equipment (50 horsepower (hp) or greater) used during mining activities will be maintained.
- Prior to initiation of mining activities, the APCD will be shown proof that operations associated with extraction and loading activities will utilize tier III off-road engines.

BIOLOGICAL

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce biological impacts to less than significant levels.

- Prior to initiation of mining activities, and after consultation with the California Department of Fish and Game regarding the total acreage of impacted kit fox habitat, evidence will be submitted to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one (1) or a combination of the following four (4) San Joaquin kit fox mitigation measures has been implemented:
 - Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of no more than 127.89-acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. The total acreage of the kit fox mitigation area will be determined by the California Department of Fish and Game (Department) upon discussion with the applicant in consideration of the intermittent and

temporary nature of the proposed extraction activities. Lands to be conserved will be subject to the review and approval of the Department and the County.

This mitigation alternative requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

This mitigation alternative can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act ("CEQA"). The fee, once established by the Department upon discussion with the applicant in consideration of the intermittent and temporary nature of the proposed extraction activities, will be payable to "The Nature Conservancy." This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- Purchase, at the most (depending on consultation with the Department of Fish and Game to determine the extent of impacted kit fox habitat) 127.89 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- If none of the above measures are available, a Mitigation Agreement may be established with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of, at the most (depending on consultation with the Department of Fish and Game to determine the extent of impacted kit fox habitat), 127.89-acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement will be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

- Prior to initiation of mining activities, evidence will be provided that a qualified biologist acceptable to the County has been retained. The retained biologist will perform the following monitoring activities:
 - Prior to initiation of mining activities, the biologist will conduct a pre-activity (i.e., pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - The qualified biologist will conduct weekly site visits during site-disturbance activities (e.g., grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with appropriate mitigation measures. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist will submit weekly monitoring reports to the County.
 - Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist will re-assess the probability of incidental take (i.e., harm or death) to kit fox. At the time a den is discovered, the qualified biologist will contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work will stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the U.S. Fish and Wildlife Service and the County will be consulted. The results of this consultation may result in require a Federal and/or State permit for incidental take during project activities. It is acknowledged that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- In addition, the qualified biologist will implement the following measures:
 - Within 30 days prior to initiation of site disturbance or initiation of mining activities, fenced exclusion zones will be established around all known and potential kit fox dens. Exclusion zone fencing will consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone will be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

i. Potential kit fox den: 50 feet

- ii. Known or active kit fox den: 100 feet
 - iii. Kit fox pupping den: 150 feet
 - All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, will remain outside of exclusion zones. Exclusion zones will be maintained until all project-related disturbances have been terminated, and then will be removed.
 - If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities will be required by a qualified biologist.
- Prior to initiation of mining activities, a note on the project plans, which clearly states: *"Speed signs of 25 mph (or lower) will be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs will be installed on the project site within 30 days prior to initiation of site disturbance initiation of mining activities. In addition, prior to permit issuance and initiation of any ground disturbing activities, appropriate mitigation measures stated on the Developer's Statement / Conditions of Approval will be clearly delineated on project plans.
- During the site disturbance phase, operational activities associated with the mining project after dusk will be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- Prior to initiation of mining activities, and within 30 days prior to initiation of site disturbance and / or initiation of mining activities, all personnel associated with the project will attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training will include the kit fox's life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The County will be notified shortly prior to this meeting. A kit fox fact sheet will also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- During the site-disturbance phase and for the life of the project, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two (2) feet in depth will be covered at the close of each working day by plywood or similar materials, or provided with one (1) or more escape ramps constructed of earth fill or wooden planks. Trenches will also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped kit fox. Any kit fox so discovered will be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- During the site-disturbance phase and for the life of the project, any pipes, culverts, or similar structures with a diameter of four (4) inches or greater, stored overnight at the project site will be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If, during the construction phase, a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- During the site-disturbance phase and for the life of the project, all food-related trash items such as wrappers, cans, bottles, and food scraps generated will be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife will be allowed.
- Prior to, during, and after the site-disturbance phase and for the life of the project, use of pesticides or herbicides will be in compliance with all local, State and Federal regulations. This will minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- During the site-disturbance phase and for the life of the project, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped will be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the U.S. Fish and Wildlife Service and Department will be immediately notified by telephone. In addition, formal notification will be provided in writing within three (3) working days of the finding of any such animal(s). Notification will include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured will be turned over immediately to Department for care, analysis, or disposition.
- Prior to installation of any proposed fencing associated with the mining project, any long internal or perimeter fencing be proposed or installed, the following will be done to provide for kit fox passage:
 - If a wire strand/pole design is used, the lowest strand will be no closer to the ground than 12".
 - If a more solid wire mesh fence is used, 8" x 12" openings near the ground will be provided every 100 yards.

The County will be notified upon fence installation to verify proper installation.

- For the life of the project, the following measures will apply:
 - All project operations will maintain a minimum setback of 20 feet from property boundaries;
 - The proposed operations area will be setback 50 feet from the top of the riverbank;

- The proposed extraction area will be setback 10 feet from the dripline of all riparian vegetation, or 20 feet from the toe of the riverbank, whichever is greater;
 - Prior to commencement of in-stream mining operations each season, all setbacks will be staked, flagged, or otherwise delineated so that they are clearly visible throughout the material extraction phase of the operation;
 - Upon completion of in-stream mining operations, the slope at the head and toe of the extraction area will not exceed 25:1 (Salinas River) or 4:1 (Vineyard Creek), and the slope along the sidewalls of the extraction area will not exceed 3:1;
 - Upon completion of in-stream mining operations, the slope away from riparian vegetation setbacks will also not exceed 3:1;
 - A maximum annual extraction depth of two (2) feet and a cumulative maximum extraction depth of five (5) feet from the surface elevations prior to initiation of mining operations in the first year within the Salinas River;
 - A maximum annual extraction depth of three (3) feet and a cumulative maximum extraction depth of four (4) feet from the surface elevations prior to initiation of mining operations in the first year within Vineyard Creek; and
 - For the life of the project, a vertical setback of 1 foot will be maintained above the level of the then existing subsurface flows.
- Prior to initiation of extraction activities, to avoid potential impacts to nesting birds, extraction activities will take place outside the bird nesting season, which is March 1st to July 15th. If mining activities occur during the bird nesting period, a survey for nesting birds will be conducted within two (2) weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area will be established by a qualified biologist to ensure protection of the nesting birds. The biologist will determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area will be delineated with brightly colored construction fencing. No additional measures will be implemented if active nests are more than the following distances from the nearest work site: (a) 100 yards for raptors; or (b) 50 yards for bird species other than least Bell's vireo. If active nests are closer than those distances to the nearest work site, a plan to monitor the behavior of the nesting birds during work will be prepared and submitted to USFWS and CDFG for review and approval. No mining or equipment staging activities will occur within the buffer area, which will remain in place until the biologist has determined that the young have fledged from the nest.
 - Upon completion of the required nesting bird survey, if least Bell's vireos are found to be on or near the mining operations, all mining activities at the site will immediately cease until the biologist has contacted the USFWS and CDFG and the County Environmental and Resource Management Division for further guidance, which will be done immediately. USFWS and CDFG may require the discontinuance of mining

altogether at the site, or may allow mining to occur in a localized area of the site if they can determine that the mining operations will not disturb the vireo(s). The USFWS and CDG may require the development of a Habitat Conservation Plan and obtainment of take permits from both agencies before mining operations can proceed. All the necessary requirements from CDFG and USFWS will be completed before mining operations resume.

- Prior to the start of each extraction season, on-site environmental training by a qualified biological monitor should be conducted to aid workers in recognizing sensitive species that may occur in the project area including the endangered San Joaquin kit fox, burrowing owls, nesting birds and other sensitive species. The program will educate personnel at the project site of the potential for the presence of sensitive wildlife and make them aware of all mitigation measures. Workers will be told to stop work and notify the biological monitor if they see a burrowing rodent, toad, or other animal. Signatures verifying the required training for all workers will be provided to the Planning and Building Department prior to each mining session.
- Prior to initiation of extraction activities, a qualified biologist/botanist will determine the total impact to the riparian vegetation that may need to be trimmed or removed to provide access to the river and will map those areas on the project site plans. The biologist / botanists will prepare a revegetation / restoration plan to mitigate for the loss of riparian vegetation at a minimum ratio of 2 acres restored for every 1 acre removed. The plan will be prepared as per the County's Guidelines for Preparation of Revegetation / Restoration Plans (consistent with CCR Section 3705(m)) and be submitted to the County Environmental and Resource Management Division for review and approval before it is implemented. At a minimum, but not limited to, the plan will include restoration goals, performance measures, remedial measures to implement should the performance measures not be reached, a schedule for plan implementation, and a monitoring program to monitor success of the plan. The plan will also include tasks for removal of all noxious weed species (consistent with CCR Section 3705(k)) in the riparian area on the subject parcel. Upon approval of the plan by the County, all measures identified in the plan will be implemented and all restoration, revegetation, and monitoring costs will be covered.
- Prior to project initiation, appropriate signage and/or fencing (highly visible markers) will be provided to restrict all disturbances to the approved mining area and the operations area designated on the site plan. No equipment or disturbances will take place outside these boundaries. The same mitigation measures will be enacted for the prime agricultural lands around the operations site. Any signage or fencing used to mark the disturbance areas will be temporary and will be removed at the end of each mining season within the river corridors.
- In accordance with the recommendations made in the Revised Biological Assessment (September 27, 2007), the following measures will be required for all site workers and implemented during construction activities:

- The facility hours of operation will occur from 7:00 am to 5:00 pm Monday through Friday and from 7:00 am to 12:00 pm on Saturday. During these times, the facility will be open to dispensing sand to customers. The facility will be open year round for the sale of processed sand. However, the sand extraction and processing will take place on a more limited schedule.

Sand excavation using the scraper will occur only during the dry summer months over an estimated 83 days. The scrapers will operate for up to 7 hours per day within the normal business hours of the facility;

- Project vehicles and equipment will observe a maximum 20 mph speed limit throughout the property to reduce the potential for impacting wildlife;
- No firearms will be allowed in the mining / extraction area;
- In order to ensure that existing woodland and/or riparian vegetation is not damaged, no mining activities will occur outside of the designated work area boundaries;
- No mining vehicles will be parked or otherwise stored under any existing tree canopy and will be parked in staging areas only;
- A qualified biological monitor will conduct surveys and inspect the project areas prior to and during any work that may adversely affect burrowing animals. The biologist will monitor initial earth disturbing activities to relocate any unearthed wildlife, which includes excavation of raised sand bars in the riverbed. Monitoring will be required the first week of each mining season at a minimum, and will include spot checks on a weekly basis throughout the mining season. The results of the monitoring efforts will be provided to the Planning and Building Department;
- If the biologist determines that a sensitive species is present in the area of direct impact, work will be delayed until the individual(s) are relocated or relocate for the area on their own. The qualified biologist will be the only person allowed to relocate any wildlife species, and any required permits or Memorandums of Understanding from USFWS and/or CDFG will be obtained before relocation;
- Any potential sensitive species sightings will be reported to the biological monitor immediately and the appropriate agency will be notified if any federally or state-listed species enter the work site;
- Vegetation requiring trimming or removal will be conducted between October and January to reduce the impacts to nesting birds. If vegetation must be removed outside of this period, a biologist will conduct pre-activity surveys for nests. Avoidance of active nests will follow conditions described above;
- Extraction and disturbance areas will be limited to the minimum needed to conduct the proposed project to reduce the amount of disturbance to potential habitat for kit fox and other burrowing wildlife;
- Excavations deeper than two (2) feet will be covered at the end of each working day or provide escape ramps constructed on wooden planks for kit fox. The sidewalls of the extraction area will have slopes no more steep than 3:1 slopes;

- Trenches, pipes, culverts, or similar structures will be thoroughly inspected for kit fox and other wildlife before burying, capping, moving or filling;
 - Equipment will be fueled and maintained in an appropriate staging area removed from any drainage or utilize a designated fueling area with secondary containment;
 - Appropriate measures will be taken to prevent, contain, and clean up hazardous material spills;
 - Trucks or other equipment will be washed in a designated containment area away from the riverbed, bank or associated drainages;
 - To avoid attracting kit foxes or predators to the project site, adequate and appropriate closed trash receptacles will be located on site. All food-related trash will be removed from the project site;
 - To avoid or minimize potential effects to the San Joaquin kit fox, use of rodenticides and herbicides, if necessary, will be limited to chemicals and techniques that pose a low risk to kit foxes (e.g., zinc phosphide);
 - During all construction activities and throughout the use of the proposed facility signs will be posted around the proposed sand and gravel facility to educate and aware employees of the potential for San Joaquin kit fox;
 - To avoid obstruction of a potential movement corridor for the San Joaquin kit fox in the Salinas River, earthen berms or stockpiles within the riverbed will be at a 2:1 slope or less;
 - No outdoor lighting will be allowed unless approved with appropriate shielding;
 - If fencing of the proposed project site is necessary, fencing will allow for movement of San Joaquin kit fox through the area.
 - Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential dens are discovered within the project limits, immediately notify the qualified biologist (Bob Stafford, CDFG Biologist at (805) 528-8670) and the County (Murry Wilson, Department of Planning and Building-Environmental and Resource Management at (805) 788-2352 or 781-5010).
 - All equipment, waste, and other debris will be removed from the site upon completion of mining activities.
- Upon completion of mining activities, all mining operations areas will be allowed to naturally return to original contours (including river channel and river banks), which may run the course of many years. Additionally, restoration efforts will be made by means of a revegetation / restoration plan, which will be prepared prior to initiation of mining activities, and will include a minimum of a 3:1 replacement ratio for all native shrubs and trees impacted as a result of project implementation. The plan will be prepared as per the County's Guidelines for Preparation of Revegetation / Restoration Plans (consistent with CCR Section 3705(m)) and be submitted to the County Environmental and Resource Management Division for review and approval before it is implemented. At a minimum, but not limited to, the plan will include restoration goals, performance measures, remedial measures to implement should

the performance measures not be reached, a schedule for plan implementation, and a monitoring program. All measures identified will be implemented into the plan and all restoration, revegetation, and monitoring costs will be covered.

- Prior to initiation of mining activities, contingencies for installation of protection fencing on the cuttings and seedlings (consistent with CCR Section 3705(I)) will be included as part of the Revegetation / Restoration Plans.
- It is understood that prior to initiation of mining activities, the following agencies will need to be contacted to determine the need for other state or federal permits: California Department of Fish and Game, U.S. Fish & Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers. Applicable permits and/or authorizations, or documentation that such permits and/or authorizations are not necessary will be submitted to the County prior to issuance of construction permits for mining activities within the Salinas River and Vineyard Creek.

CULTURAL

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce geological impacts to less than significant levels.

- Prior to initiation of mining activities, a monitoring program will be implemented (which will include a detailed cross section analysis of the two river channels – Salinas River and Vineyard Creek). This monitoring program is designed to document geomorphic changes over time, provide data for adaptive management practices that can identify and mitigate potentially adverse conditions. Monitoring plan goals will be accomplished through a combination of surveying, aerial photograph review and interpretation, and photogrammetry.

The monitoring will be completed twice per year, prior to and following planned extraction, and will incorporate all recommendations for monitoring and cross sections detailed in the *Area-Wide Adaptive Management Plan for Avoiding, Minimizing, and Mitigating Impacts to Fluvial Geomorphology of the Upper Salinas River and its Tributaries*, which include at a minimum the following stipulations:

- Cross sections through the mining reach will be surveyed in the spring each year, with additional post-extraction cross sections of the extraction area prior to on-set of winter rains and stream flows for determining the volume extracted. This will include cross sections upstream and downstream of the reach of mining;
- Cross sections will be oriented approximately perpendicular to the low flow channel, based on the channel configuration documented in aerial photographs;

- Cross sections vary in length due to the geometry of the river. All profiles will cover from high terrace to high terrace to include the low flow channel and all floodplain areas. Ground level surveys will cover the extraction area only;
 - Elevations will be provided every 50 feet and at all major breaks in slope along the cross section. In some areas, the actual distance may vary due to limitations in accessibility or resolution due to dense vegetation; and
 - Surveys will be conducted annually in the spring throughout the monitoring reach in order to document river responses to winter flows. Post extraction surveys will be conducted for the extraction area following extraction and prior to the onset of winter rains and initial flow. Post extraction surveys are not necessary following seasons in which no mining occurred.
- Prior to initiation of mining activities an erosion and sedimentation control plan will be submitted that is in compliance with County Ordinance Section 22.52.090.
 - Prior to initiation of mining activities, a copy of the Stormwater Pollution Prevention Plan ("SWPPP") will be submitted, that is approved by the State Water Resources Control Board that incorporates all "Large In-Stream Gravel Mining Conditions."
 - Prior to initiation of mining activities, a copy of the U.S. Army Corps of Engineers 401 Water Quality Certification Application to the Environmental Coordinator's office will be submitted.
 - Prior to initiation of mining activities, piezometers will be installed at head and toe of mining areas along the river banks to monitor ground water trends. Upon commencement of yearly mining activities a report by a qualified consultant will be prepared prior to each excavation season to ensure that excavation activities remain at least 1 foot above subsurface water. This report will include a survey of existing subsurface water levels within the extraction area such that the required separation from subsurface water can be monitored along with the surveyed cross sections. The consultant will submit the reports to the Environmental Coordinator for review and final approval.
 - Prior to initiation of mining activities within Vineyard Creek, the County of San Luis Obispo Public Works engineers will be consulted so they can provide recommendations as to the extent of excavation near the bridge.
 - At the completion of mining activities each season, the head and toe of mining areas will be sloped at 25:1 (horizontal : vertical) on the Salinas River and 4:1 on Vineyard Creek, and the side wall slopes will be sloped with a 3:1 slope.

For the life of the project on the Salinas River, a maximum seasonal extraction depth of two (2) feet and a maximum extraction depth of five (5) feet will be enforced based on the existing elevation established prior to commencement of mining activities. On Vineyard Creek the maximum seasonal and maximum extraction depths will be three (3) and four (4) feet, respectively.

HAZARDS & HAZARDOUS MATERIALS

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce hazards and hazardous materials impacts to less than significant levels.

- Upon commencement of mining activities, the following measures will be required to reduce hazardous material impacts to less than significant levels:
 - To reduce impacts from spillage of petroleum products, roads, equipment, and trucks will be inspected daily for leakage, and take immediate corrective action to eliminate any discovered leakage.
 - A log of facility, equipment, and road inspections will be kept at the site office and will be available for inspection by County staff.
 - On-site servicing and fueling of vehicles will be accomplished with the use of the following best management practices:
 - Servicing and fueling will take place only in designated fueling areas outside of the Salinas River and Vineyard Creek channels.
 - When fueling, tanks will not be "topped off."
 - A secondary containment, such as a drain pan or drain cloth, will be used when fueling to catch spills or leaks.
 - Employees and subcontractors will be trained in proper fueling, servicing, and clean-up procedures.
 - All fluid spills will be reported immediately to the facility log.
 - Storage of hazardous materials will be as far as practical from the Salinas River and Vineyard Creek.
 - A contingency plan for possible leaks and spills of hazardous materials into the Salinas River and Vineyard Creek will be developed and implemented.

NOISE

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce noise impacts to less than significant levels.

- The facility hours of operation will occur from 7:00 am to 5:00 pm Monday through Friday and from 7:00 am to 12:00 pm on Saturday. During these times, the facility will be open to dispensing sand to customers. The facility will be open year round for the sale of processed sand. However, the sand extraction and processing will take place on a more limited schedule.
- Sand excavation using the scraper will occur only during the dry summer months over an estimated 83 days. The scrapers will operate for up to 7 hours per day within the normal business hours of the facility. After sufficient material is collected in the temporary stockpiles, the loader will be used to transfer material to the screen.

The sand excavation by scraper will not take place concurrently with the material screening. There will be no screening of material on Saturdays.

- All mufflers and engine covers will be maintained in good working order.
- No recycling or storage of concrete or asphalt, or rock crushing will occur on the project site.

PUBLIC SERVICE / UTILITIES

Applicant Proposed Measures

Refer to Transportation / Circulation measures.

TRANSPORTATION / CIRCULATION

Applicant Proposed Measures

The following measures, as incorporated into the project description, will reduce transportation impacts to less than significant levels.

- Prior to initiation of mining activities, in order to mitigate impacts related to wear on County roadways, and as required per Ordinance, the applicant / operator will enter into an agreement with the County Public Works Department to deposit into the county road fund a sum to be determined by the County Public Works Department based upon the volume of resource being hauled over county roads.
- Prior to initiation of mining activities, an Entrance Plan (ingress / egress onto Indian Valley Road) will be drafted by a registered civil engineer that will include but not be limited to the following:
 - Discussion of sight distances and recommendations for improvements if necessary;
 - Analysis of traffic queuing and recommendations for improvements if necessary;
 - Overall traffic safety along haul routes and recommended safety measures (with requirements for cautionary signage at appropriate intervals along the proposed hauling routes);
 - Erosion control and Best Management Practice ("BMP") measures such as gravel pads and wheel washers used to avoid the tracking of dirt and sediment onto roadways; and
 - Truck maneuvering, internal site circulation and all-weather access for emergency vehicles.

The Entrance Plan will be prepared prior initiation of mining activities and will be subject to field verification and final approval by the Public Works Department. Any recommended improvements will be implemented prior to project initiation.

- Upon initiation of mining activities, a log of truck trips and drivers will be provided to the County. This log will include the signatures of all truck drivers and employees

confirming that they have been notified of the prescribed hauling routes and that they agree to use only those prescribed routes. The truck log and signatures will be provided to the Planning Department on a monthly basis during operation.

- For the life of the project, hauling will not occur between the hours of 7:45a.m. - 8:15a.m. and 2:45p.m. - 3:15p.m. on days when school is in session.
- For the life of the project, hauling will not occur between the p.m. peak hours (4-5).
- Relocation of the southern access point to the sorting / stockpile location, **and/or** provision of signage to establish a reduced speed, **and/or** notification of trucks entering and exiting the roadway can be used to reduce issues with the southern access point's distance from the sorting / stockpile areas.

Attachment 2

(New Project Referrals)



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.cdfslo.org



Matt Jenkins, Fire Chief

October 9, 2009

Murry Wilson
Planning & Building Department
County Government Center
San Luis Obispo, CA 93408

Subject: DRC2005-00193 / Pankey

Dear Murry:

CAL FIRE/San Luis Obispo County Fire Department has reviewed the resubmittal of the project referral for the sand and gravel pit operation located at 4444 Indian Valley Road, San Miguel, CA 93408.

The requirements outlined in the fire/life safety letter dated 04-28-06 (attached) shall apply to this project.

Sincerely,

Chad T. Zrelak
Fire Captain



CDF/San Luis Obispo County Fire Department

635 North Santa Rosa • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

April 28, 2006

North County Team
Planning & Building Department
County Government Center
San Luis Obispo, CA 93408

Subject: DRC2005-00193 / Pankey

Our department has reviewed the proposed sand & gravel pit located at 4444 Indian Valley Road, San Miguel, CA. The project is located in a moderate fire severity zone in State Responsibility Area. The closest fire station is within a 10 to 15 minute response time.

Requirements for the sand and gravel pit shall be as follows:

1. The address shall be clearly marked at the entrance of the gravel pit with minimum six inch numbers.
2. The access road shall be a minimum of 18 feet wide, all weather surface, and have a 40 foot radius turn around at the end of the road.
3. Any buildings on-site shall be protected with a water storage tank and draft hydrant as outlined below for fuel tanks. Each building should have a minimum of one 2A:10BC rated fire extinguisher mounted less than five feet high on the wall. All buildings shall have a minimum of 30 feet vegetation clearance.
4. Any fuel tanks on-site shall comply with the California Fire Code (2001) edition, article 79, sections 7901, 7903, and 7904. Specifically, some of the requirements are outlined as follows.
 - Fuel storage tanks shall be in accordance with DOT requirements or shall be of an approved design.
 - The fuel containers shall be conspicuously marked with the type of product and "Flammable" for gasoline and "Combustible" for diesel.



CDF/San Luis Obispo County Fire Department

635 North Santa Rosa • San Luis Obispo • California • 93405
Phone: 805-543-4244 • Fax: 805-543-4248

- “No Smoking” signs shall be posted within 50 feet of fuel tanks.
- Guard posts shall be installed to protect the tanks from vehicle collision.
- Weeds and other combustibles shall be cleared a minimum of 50 feet from tanks.
- Fuel tanks shall not be within 50 feet of any building.
- A remote shut-off fuel switch shall be located at least 30 feet from fuel tanks.
- A fire extinguisher rated not less than 20-B:C shall be clearly identified and located within 30 feet of fuel tanks.
- An on-site rural draft fire hydrant with a minimum of one 2 ½” male National Hose Thread with cap shall be supplied by a minimum 5000 gallon water storage tank. Hydrant shall be gravity flow with a minimum 4” line, schedule 40 PVC or steel pipe. Hydrant shall be located within 8 feet of access road and 50 to 150 feet from fuel tanks (or structures). Hydrant shall be identified with a blue reflector.

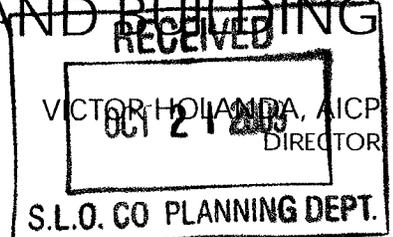
For further assistance please contact me at (805) 543-4244

A handwritten signature in cursive script that reads "Chad T. Zrelak".

Chad T. Zrelak
Fire Captain



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



THIS IS A NEW PROJECT REFERRAL

DATE: Oct 6, 2009 - from Murry Wilson (Project Manager) mwilson@co.slo.ca.u

TO: SAN MIGUEL ELEM.

FROM: - South County Team - North County Team - Coastal Team

PROJECT DESCRIPTION: File Number: DRL 2005-00193 Applicant: PANKEY

This project has been revised/reduced in scale from the previous
submittal. Includes sand and gravel removal from Salinas River and a portion
of Vineyard Creek. The project has been reduced from a maximum yearly extraction
Return this letter with your comments attached no later than: _____ (over)

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
 NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter) Please see below.
 NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Concerns: Greatly increased truck traffic / wear + tear
on roads. Safety of motorists on roads shared w/
increased trucking.

10/15/09
Date

Dean Smith
Name

8054673216 x 204
Phone

SAN LUIS OBISPO COUNTY HEALTH AGENCY



Public Health Department

2191 Johnson Avenue • P.O. Box 1489

San Luis Obispo, California 93406

805-781-5500 • FAX 805-781-5543

Jeff Hamm

Health Agency Director

Penny Borenstein, M.D., M.P.H.

Health Officer

October 22, 2009

To: Department of Planning and Building
Murry Wilson

From: Environmental Health
Leslie Terry

Project Description: DRC2005-00193: PANKEY

Verify water supply adequacy and potability as needed for proposed use.

Applicant to contact Brad Prior at 788-2049 to determine if an annual permit will be required for the water supply at this facility based on the number of employees / users per day.

Verify septic system adequacy for proposed use.

Applicant shall submit, to this office, the hazardous materials business plan for the proposed site. The plans shall be reviewed and approved prior to final sign-off. Please contact Patricia Reynolds at 781-1105 if you have any questions.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this MUP or CUP.



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

MEMORANDUM

Date: October 23, 2009

To: Murry Wilson, Project Planner

From: Glenn Marshall, Development Services Engineer *GM*

Subject: Public Works Referral Response for the Revised DRC2005-00193, Pankey Sand & Gravel Mining of the Salinas River and Vineyard Creek beds, 444 Indian Valley Rd, San Miguel

Thank you for the opportunity to provide information on the Notice of Preparation of an Environmental Impact Report for the subject project. We have reviewed the revised project documents including the Revised Project Statement-dated August 26, 2009, the Revised Traffic Analysis-dated November 2, 2006, the Geomorph Study prepared by Matt Smeltzer-dated July 17, 2009, and the Initial Study Environmental Checklist-dated March 25, 2008. The following comments represent our review of these documents:

1. Contact person: Glenn Marshall, County Government Center Room 207, San Luis Obispo CA 93408. (805) 781-1596, gdmarsshall@co.slo.ca.us.
2. County Public Works will review required public improvements including streets and utilities, as well as drainage and flood hazard, under the provisions of the Real Property Division Ordinance and the Land Use Ordinance.
3. For our use, the EIR must address project anticipated impacts to traffic and circulation, drainage and flood hazard. The Initial Study Checklist, and its Comments section, appears to adequately cover these topics, as do the previous project mitigations identified in Exhibit B-Conditions of Approval of the May 8, 2008 Planning Commission Staff Report.
4. A list of "Standard Conditions" is available from our office and available upon request. Minimum conditions would include road improvements and drainage improvements.
5. We do not have any alternative projects to suggest for evaluation.
6. Aside from normal scheduled maintenance, this department does not have any reasonably foreseeable projects, programs or plans in the area of this proposed development.
7. The following information may be relevant for consideration in the EIR:
 - a. San Luis Obispo County Public Improvement Standards.
 - b. County Traffic Impact Study Policies (revised 3/26/07)
 - c. County of San Luis Obispo July 2008 Pavement Report.
 - d. County of San Luis Obispo National Pollutant Discharge Elimination System Phase II, Stormwater Management Program (County Code Section 8.68)
 - e. County Code (Title 22) Sections 22.52-Grading & Drainage, and 22.14.060-Flood Hazard Area
 - f. Flood Insurance Rate Maps (FIRM), August 2008.
 - g. Consideration of the required Entrance Plan (ingress / egress onto Indian Valley Road).

8. Public Works has no further comments on the Notice of Preparation.

Please provide us notification that the Draft EIR is available for review via the web and the related web address where the document may be viewed. If you have any questions or comments I can be contacted by phone at 805/781-1596, by email at gdmarshall@co.slo.ca.us, or at the above address.