Lehigh Permanente Quarry Reclamation Plan Approval Conditions of Approval Compliance

2013 Annual Report

SANTA CLARA COUNTY, CALIFORNIA

Prepared For:

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All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
1	The conditions supersede all previous COAs	The following conditions of approval (COAs) shall supersede and replace all previous COAs from the 1985 Reclamation Plan approval.	No	Maintain	NA	NA	Noted	
2	All activity must be consistent with the following COAs	All development, operations, and reclamation that occur under this RPA shall be consistent with the approved plans, unless modified by these conditions.	No	Maintain	NA	NA	Noted	
3	RPA Re-Submittal. Final conformed documents to SCC	Within 60 days of approval of the RPA, Mine Operator shall submit six (6) copies plus one electronic copy of a "Final" RPA, incorporating changes required per the conditions of approval for the RPA, Mitigation Monitoring and Reporting Program, and Final Environmental Impact Report.	No	One Occurrence	8/24/2012	8/24/2012	Documents were submitted on or before the required submittal date.	
4	Legal Descriptions to be submitted for all parcels subject to the RPA	Within 60 days following approval of the RPA, the Mine Operator shall submit to the Planning Manager or the Manager's designee (hereinafter referred to as Planning Manager), legal descriptions for all affected parcels of real property.	No	One Occurrence	8/24/2012	8/24/2012	Documents were submitted on or before the required submittal date.	
5	RPA Expiration Date	If reclamation is not complete on or before June 30, 2032, the Mine Operator shall file an application for an amendment to the reclamation plan prior to that date.	No	One Occurrence	NA	NA	There are currently no plans to file an application for an amendment to the reclamation plan.	
6	Hillside open space will be the end use	The proposed end use following reclamation is hillside open space.	No	One Occurrence	NA	NA	Noted	
7	Payment for all reasonable costs.	The Mine Operator shall be responsible for paying all reasonable costs associated with work by, or for, the Department of Planning and Development, in conjunction with, or in any way related to the conditions of approval identified in this RPA, the mitigations contained in the Mitigation Monitoring and Reporting Program, and the annual SMARA inspections and annual review of financial assurance cost estimates.	No	Maintain	NA	NA	Noted	
8	Annual report	Mine Operator shall provide by October 1 of each year, the information requested by the Planning Manager that is needed for the preparation of the Annual Report. (See COA Text)	Yes	Annual	10/1/2013		This document, and attached appendices, represents the Mine Operator's fulfillment of its 2013 COA 8 obligation. A compliance determination with water quality standards provided to Water Board are not currently available for this early submittal.	

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9	Planning manager ensures compliance	If at any time the Planning Manager determines that the Quarry is not in compliance with the RPA, Mitigation Monitoring and Reporting Program, or any condition of approval and as such is in violation of the RPA, the Director may take any and all actions necessary to ensure compliance with the Plan in accordance with applicable laws and regulations.	No	Ongoing	NA	NA	Noted	
10	Copies of RPA, MMRP, and Conditions of Approval Maintained on Site	Copies of the RPA Mitigation Monitoring and Reporting Program, approved plans, conditions of approval shall be maintained at the premises of the Permanente Quarry, 24001 Stevens Creek Boulevard, at all times: one copy of all the documents shall be stored in the administration building at this location and one copy of all the documents shall be stored in the mine operations office.	No	Maintain	NA	NA	Copies of the RPA Mitigation Monitoring and Reporting Program, approved plans, conditions of approval are maintained in a binder in the quarry office with Dan Zachariasen. Additionally, a wall poster of the COAs is posted in the office.	
11	Issue report summary of employee training performed	By October 1 of each year, starting in 2012, the Mine Operator shall provide to the Planning Manager a report summarizing the date of the annual training, topics reviewed, and list of all employees attending the training. The Mine Operator shall annually train all mining staff, including outside vendors, contractors, or consultants who are responsible for implementation of any part of the mine operations or reclamation at Permanente Quarry, on the requirements and provisions of the RPA, the conditions of approval, and the MMRP	Yes	Annual	10/1/2012	10/1/2012	Training for workers and subcontractors has been completed.	Appendix A: Training Topics and Sign-In
12	SWPPP to County	Within 60 days following approval of the RPA, the Mine Operator shall submit to the Planning Manager a copy of its Storm Water Pollution Prevention Plan (SWPPP) of the approved RPA, which is hereby appended to the RPA by reference. The Mine Operator is responsible for providing the Department of Planning and Development with any and all updates to the SWPPP	No	Update	8/24/12. And as needed	8/24/2012	Noted	
13	Mitigation measures adopted as COAs	All mitigation measures contained within the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project are adopted as conditions of approval .	No	Maintain	NA	NA	Noted	

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14	Update FACE	By August 1st of each year, or as required by the Santa Clara County SMARA Inspection Program, the Mine Operator shall submit annually Financial Assurance Cost Estimates (FACE) to the Planning Manager for review and approval, which shall serve as the basis for the amount of financial assurances required of the Mine Operator, account for disturbed and those lands to be disturbed in the following year by the surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved RPA.	Yes	Annual	10/1/2012 (DELAYED PER REQUEST OF Santa Clara COUNTY)	NA	The submittal of the FACE requirement and submittal date has been delayed per request of Santa Clara County.	
15	Submit copies of any violations, abatement notices, or any agency permit mod to SCC	Copies of all violations or abatement notices, requests for reports or information related to this RPA and its authorized uses by federal, state, or local jurisdictions/agencies, or subsequent modification of another agency's permit or submission of an application for any permit to another agency shall be provided to the Planning Manager within 10 business days of the County's request.	Yes	At County Request	NA	NA	Violations notices are provided in Appendix K. Permits and Peermit modifications are included in Appendix J: Permits.	Appendix K: Violation Notices Appendix J: Permits
16	An invalidation of one condtion does not invalidate the remaining conditions.	If any of the RPA conditions of approval, or RPA approval, are held to be invalid that holding shall not invalidate any of the remaining conditions or limitations set forth.	No	Ongoing	NA	NA	Noted	
17	If any conditions are invalidated, the Planning Commission can replace the invalidated condition with a feasible alternative.	IF any condition(s) of approval is invalidated by a court of law, and said invalidations would change the findings and/ or mitigation measures associated with the approval of this RPA, the amendment may be reviewed , at the discretion of the Planning Commission, and substitute feasible condition(s)/ mitigation measures.	No	Ongoing	NA	NA	Noted	
18	The Mine Operator will carry the cost of any action brought against the County.	As a condition of RPA approval, the Mine Operator agrees to defend, at the Mine Operator's sole expense, any action brought against the County by a third party, and indemnify the County against settlements and judgments arising from any such action.	No	Ongoing	NA	NA	Noted	

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19	The Mine Operator will reimburse the County for any legal costs incurred in its defense.	Upon demand from the County, the Mine Operator shall reimburse the County for any court costs and or attorney's fees which the County may be required by a court to pay as a result of any such action the Mine Operator defended or which it had control of the defense	No	Ongoing	NA	NA	Noted	
20	The Mine Operator holds harmeless the County and its employees from any legal action taken to challenge the EIR or RPA.	The Mine Operator agrees to defend, indemnify and hold harmless the County, its agents, officers and employees, from any claim, action or proceeding against the County, to challenge any portions of the EIR certification, reclamation plan process or approval.	No	Ongoing	NA	NA	Noted	
21	Approval of the ROA does not relieve or limit the Mine Operator's previous legal liabilities.	Neither the approval of the RPA or compliance with conditions of approval shall relieve the Mine Operator from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any RPA or related permit serve to impose any liability upon the County of Santa Clara, its officers, employees or agents for injury or damage to persons or property.	No	Ongoing	NA	NA	Noted	
22	Maintain demarcation of EMSA, Rock Plant, and WMSA RPA Boundaries	Within 60 days of RPA approval, the RPA limit of disturbed area surrounding the northern and eastern edges of the EMSA, the northern and western edges of the WMSA, and the perimeter of the Rock Plant area shall be clearly demarcated in the field and shall remain in place until final reclamation has been completed. On an annual basis, demarcation shall be modified to encompass the RPA boundaries nearest the areas subject to surface mining and reclamation, as shown on aerials submitted per Condition #23. Demarcated areas shall be located and marked in the field by a licensed land surveyor or registered civil engineer authorized to practice land surveying. Demarcation shall use orange construction fencing or other brightly colored material acceptable to the Planning Manager.	Yes	Annual	8/24/2012, and annually with updates	8/24/2012	Work was completed on or before the required submittal date.	Appendix B: June 2013 Aerial Photography with 2011-2013 and 2013-2015 Projected Topography and Confirmation of Aerial Survey Reciept by County Surveyor, and List of Demarcation Survey Points.

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23	GPS and Aerial Data prepared by Licensed Surveyor to SCC for Review and Approval.	At the same time as the proposed Annual Report each year, the operator shall submit to the Planning Manager a surveyed coordinate list file obtained by Global Positioning System (GPS), prepared by a licensed land surveyor or registered civil engineer authorized to practice land surveying, to be reviewed and approved by the County Surveyor, identifying the limits of reclamation, with aerial photographs of the RPA area, annotated to illustrate (a) where surface mining and reclamation activity occurred within the prior 24 months and (b) areas where mining and reclamation activities will occur in the next 24 months. Existing topographic data shall be included with the aerial photographs, and the operator shall provide projected topographic data demonstrate how the topography will look two years later. The aerial photographs must be flown and taken biennially between June 1 and June 30 starting with June 2013. If requested by the Planning Manager or Planning Commission the materials shall be in a readable scale.	Yes	Annual	10/1/2012	10/1/2012	Work was completed on or before the required submittal date.	Appendix B: June 2013 Aerial Photography with 2011-2013 and 2013-2015 Projected Topography and Confirmation of Aerial Survey Reciept by County Surveyor, and List of Demarcation Survey Points.
24	Reclamation of Finished Slopes and Benches	Reclamation of finished slopes and benches shall commence at the earliest feasible date once the slopes and benches are established, as set forth in the RPA.	Yes	During Final Reclamation	NA	NA	No slopes or benches were finished during the time period covered by this report. No reclamations activities were required.	
25	Specification for Permanent Rock Fills	Rockfills, where used, should be spread in lifts not exceeding five-feet in thickness by tracked equipment, and compacted by track-walking or wheel-rolling using heavy dozers (Caterpillar D-9 or larger) and/or fully loaded rubber-tired hauling equipment, respectively. A minimum of three passes should be performed for each lift.	Yes	During Final Reclamation	NA	NA	No rockfills were required during time period covered by this report.	
26	Submit Site Plan showing Topsoil and Amendment Storage Areas	Within 60 days of RPA approval, Mine Operator shall submit a site plan identifying area(s) where topsoil, dirt, soil amendments shall be retained and used in the reclamation and re-vegetation process. Soil stored for reclamation purposes shall be clearly identified and marked in the field.	No	One Occurrence	8/24/2012	8/24/2012	Documents were submitted on or before the required submittal date. A new topsoil storage area has been installed in the WMSA. See the Stormwater and Erosion Control Report in Appendix I.	Appendix H: Stormwater and Erosion Controls Report

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27	Stockpiles of topsoil or overburden protected from wind and erosion	The Mine Operator shall safeguard stockpiles of topsoil or overburden to be used for reclamation from wind and erosion by using controls including, but not limited to, hydroseeding, erosion control mats, and coir wattles (aka “straw wattles”).	No	Maintain	NA	NA	All stockpiles of topsoil or overburden to be used for reclamation have been treated.	Appendix H: Stormwater and Erosion Controls Report
28	Test Plot annual report	Reporting of the test plots for the re-vegetation criteria identified in the RPA shall be submitted to the County as part of the Mine Operator’s annual report.	Yes	Annually	10/1/2013	Interim Report 8/30/2013 Final Report 10/15/2013	Interim report included as Appendix C: Interim Re-vegetation Test Plot Report. The final report will be submitted after the monitoring protocol is complete (Approximately October, 2013).	Appendix C: Interim Re-vegetation Test Plot Report
	Topsoil shall use amendments	The Mine Operator shall use soil amendments, in accordance with the RPA, to improve the effectiveness of the soils used for re-vegetation of final slopes. Re-vegetation shall satisfy the criteria identified in the RPA. (See COA Text)	Yes	During Final Reclamation	NA	NA	Final reclamation did not begin during the time period covered by this report. Data regarding soil effectiveness is not required at this time. Any reclamation requiring revegetation have considered the test-plot results for vegetatiive palette.	Appendix L: Vegetation Palettes Changes
29	Revegetation success criteria	Re-vegetation of all reclaimed slopes within the RPA Boundary shall meet the minimum success criteria listed in the approved RPA before any completed phase of reclamation may be deemed reclaimed by the County and Office of Mine Reclamation (OMR).	Yes	During Final Reclamation	NA	NA	Final reclamation did not begin during the reporting period.	
30	Change to Revegetation plan	The Planning Manager shall have authority to administratively review and approve minor revisions to the re-vegetation palette contained in the approved RPA.	Yes	During Final Reclamation	NA	NA	Any reclamation requiring revegetation have considered the test-plot results for vegetatiive palette.	Appendix L: Vegetation Palettes Changes
31	Removal of Equipment	Equipment, structures, nonessential roads, as identified in the RPA, shall be removed from the project area prior to that area being deemed reclaimed by the County and OMR	Yes	During Final Reclamation	NA	NA	Final reclamation did not begin during the time period covered by this report. No equipment, structures, or roads are yet required to be removed.	
32	Overburden requirements	Construction or demolition waste or any other foreign materials are prohibited from being stored in overburden or used in reclamation. Overburden shall be compacted, tested, and documented to demonstrate it will support post-mining uses. Regarding compaction, testing, and documentation of the overburden, documentation shall be submitted to the Planning Manager within 30 days of completion.	Yes	During Final Reclamation	NA	NA	No foreign materials or overburden is being used in reclamation. All foreign materisals are being separated from overburden and is stored or disposed of off-site. Topsoil is separated from overburden and stored seprately in topsoil stockpiles. Only native material which is ined is used to backfill the pit.	

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33	Basin Clean out Reports showing quantities removed and disposition	Stilling basins shall be maintained in good conditions and cleaned of silt and debris as necessary. A report shall be submitted to the Planning Manager as part of the Annual Report, fully depicting total quantities of silt removed from the basins (reported in cubic yards or tons) and where such silt is placed on the site or off the site.	Yes	Annual	NA	NA	All siltation basins were carefully monitored; however, maintenance was not required during reporting period. One new stilling basin was installed in the western EMSA below C station. Approximately 25 tons of limestone based silt material was removed and placed in the quarry pit. For further information see Appendix H: 2013 Stormwater and Erosion Controls Report.	Appendix H: Stormwater and Erosion Controls Report
34	Provide all amended or newly issued permits from RWQCB and comply with such permits	The Mine Operator shall comply with the conditions of permits and plans required by and issued from the Regional Water Quality Control Board (RWQCB), including but not limited to approval of the Permanente Creek Restoration Plan and water discharge permits. The Mine Operator shall provide copies of all permits to the Planning Manager within 10 business days of issuance by RWQCB.	No	Ongoing	As Needed	NA	Lehigh is in compliance with the conditions of permits and plans required by and issued from the Regional Water Quality Control Board (RWQCB),	Appendix J: Permits
35	Criteria for Final reclamation completion	Reclamation shall be deemed complete by the County and State Office of Mine Reclamation (OMR) once reclamation has been performed to the terms of the approved RPA, and required monitoring and inspections have demonstrated compliance with the reclamation performance standards and mitigation measures as prescribed in the Mitigation, Monitoring and Reporting Program, including compliance with all pertinent permits or other requirements for reclamation issued by non-Santa Clara County public agencies, including but not limited to the RWQCB and the State Department of Fish and Game.	No	Final Reclamation	NA	NA	For Final Reclamation Completion	
36	Provide all amended or newly issued permits from BA-AQMD and comply with such permits	The Mine Operator shall comply with the conditions of permits required by and issued from the Bay Area Air Quality Management District (BAAQMD). Upon request by the County, the Mine Operator shall provide copies of all permits, and amendments to the Planning Manager within 10 business days of the request.	No	At County Request	As Needed	NA	Bay Area Air Quality Management District (BAAQMD) Permits are included in Appendix J.	Appendix J: Permits

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37	Provide all amended or newly issued permits from SCC Department of Env Health and comply with such permits	The Mine Operator shall obtain and comply with all applicable permits required by the Santa Clara County Hazardous Materials Division of the Department of Environmental Health. The Mine Operator shall provide copies of all permits to the Planning Manager within 10 business days of issuance.	No	Ongoing	NA	NA	Lehigh is in compliance with the conditions of permits and plans required by and issued from the Santa Clara County Hazardous Materials Division of the Department of Environmental Health.	Appendix J: Permits
38	Submit schedule of implementation for sedimentation control and boulder removal during the Summer and Fall of 2012	Within 30 days of final RPA approval, submit to the Planning Manager a detailed schedule describing the implementation actions to control sedimentation, remove limestone boulders, and stabilize slopes within the Permanente Creek Restoration Area in the Summer and Fall of 2012, consistent with the RPA.	No	One Occurrence	8/26/2012	8/26/2012	Removal of boulder(s) identified as feasily removed from Permanente Creek will be completed by October 1, 2013. Slope stabilization measures have been installed See Appendix H: 2013 Stormwater and Management Controls Report. Maintenance is ongoing.	Appendix H: Stormwater and Erosion Controls Report
39	Boulder removal	By October 15, 2012, per the RPA, identified limestone boulders in the PCRA shall be removed. In addition, any limestone boulders identified in the future shall be removed. Submit to the Planning Manager by August 1, 2012, a report and map summarizing the field inspection and identification of all limestone boulders in the PCRA. Submit to the Planning Manager by December 15, 2012, a report and summarizing the actions to remove all limestone boulders in the PRCA, consistent with the “Best Management Practice for Removal of Limestone Boulders from Permanente Creek” (Attachment J to the RPA).	Ongoing	One Occurrence	12/15/2012	9/28/2012	See previous submittals to Santa Clara County. See COA 38 for additional actions.	

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40	PCRA Phase III Restoration Plan	Prior to the start of Permanente Creek restoration activities in Phase III for PCRA subareas 3, 4, 5 and 7, as identified in the RPA, the Mine Operator shall submit to the Planning Manager a Permanente Creek Restoration Plan. The Restoration Plan shall include the elements of the Permanente Creek Long Term Restoration Plan (URS, March 11, 2011) to the extent set forth in the RPA. The Restoration Plan shall include, at minimum, engineered drawings for creek restoration, a riparian re-vegetation plan, hydrology / hydro-geomorphology studies supporting concepts to be used in creek restoration, and a long term monitoring and reporting program. The Creek Restoration Plan shall be reviewed and approved by the County prior to implementation.(See COA Text)	Yes	One time	NA	NA	Phase III was not initiated during the time period covered by this report.	
41	Permits for Grading in Jurisdictional Waters	Prior to the start of any grading or any grading activity that affects jurisdictional resources of the California Department of Fish and Game, Regional Water Quality Control Board, or U.S. Army Corps of Engineers, the Mine Operator must provide to the Planning Manager proof of permits / clearances (or documentation that a permit is not needed).	Yes	Ongoing	NA	NA	There were no grading activities which affected jurisdictional waters during the time period covered by this report.	
42	EMSA Light Prohibition	No night lighting shall be allowed or permitted on the east-facing slope of the EMSA or any other location within the EMSA that would be visible from public locations on the Santa Clara Valley floor including roadways.	Yes	Ongoing	NA	7/26/2013	No lighting is allowed on any location within the EMSA that would be visible from public locations on the Santa Clara Valley floor. Signs are posted in Quarry vehicles and around the property.	
43	ORD Inventory EMSA	Within 90 days of final RPA approval, the Mine Operator shall submit to the County and BAAQMD a comprehensive inventory of all RPA-related off-road construction equipment expected to be used during any portion of the RPA period. (See COA Text)	Yes	One-time	9/24/2012	9/25/2012	Not applicable. See COA 45	

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44	DPM Reduction EMSA	Within 90 days of final RPA approval, the Mine Operator shall provide a plan for approval by the Planning Manager and BAAQMD demonstrating that off-road equipment to be used for Reclamation of the EMSA would achieve an average 35 percent reduction in Diesel Particulate Matter (DPM) emissions (See COA Text)	Yes	Annual	9/24/2012	9/25/2012	Not applicable. See COA 45	
45	Caretakers Residence Control (in lieu of COA 43 and 44)	In lieu of Condition No. 43 and No. 44 (Mitigation Measures 4.3-3a and 4.3-3b), the Mine Operator may submit within 90 days of the RPA approval evidence establishing to the Planning Manager's satisfaction that there are legally binding restrictions precluding any occupancy of the caretaker's residence located at 2961 Stevens Creek Boulevard, Cupertino	No	One-time	9/24/2012	9/25/2012	Complete	
46	Avian Species - Preconstruction Surveys	Ground disturbance into undisturbed areas and vegetation (tree and shrub) removal should occur between September 1 and January 30, outside of the breeding season for most bird species. If ground disturbance or tree and shrub removal occurs between February 1 and June 15, preconstruction surveys will be performed within 14 days prior to such activities to determine the presence and location of nesting bird species. If ground disturbance or removal of vegetation occurs between June 16 and August 31, pre-construction surveys will be performed within 30 days prior to such activities. The pre-construction surveys shall be submitted to the Planning Manager no later than five (5) business days prior to the start of such activities. If the tree removal or vegetation clearing shall occur during the non-nesting season, submit documentation both before and after tree removal / vegetation clearing confirmation completion of work within this time frame.(See COA Text)	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been completed. See Appendix D: List of Previously Submitted Biological Survey Reports	Appendix D: List of Previously Submitted Biological Survey Reports
	Contract for Ornithologist to perform Avian Surveys	Thirty (30) days prior to the start of any ground disturbance into undisturbed areas or vegetation removal, the Mine Operator shall submit to the Planning Manager a copy of a contract with a qualified ornithologist to conduct pre-activity surveys.	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been complete. See Appendix D: List of Previously Submitted Biological Survey Reports	Appendix D: List of Previously Submitted Biological Survey Reports

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47	Avian Species - Use of Buffers for to Avoid Nests	If preconstruction surveys determine that active nests are found close enough to the land clearing and tree removal area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone (typically 250 feet) to be established around the nest to prevent nest abandonment and direct mortality during construction.	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been complete. See Appendix D: List of Previously Submitted Biological Survey Reports.	Appendix D: List of Previosly Submitted Biological Survey Reports
48	Bat Species - Non-Roosting Season	Removal of potential bat roost habitat (buildings, large trees, snags, vertical rock faces with interstitial crevices) or construction activities within 250 feet of potential bat roost habitat should occur in September and October to avoid impacts to bat maternity or hibernation roosts.	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been complete. See Appendix D: List of Previously Submitted Biological Survey Reports.	Appendix D: List of Previosly Submitted Biological Survey Reports
49	Bat Species – Maternity Roosting Season	If removal of potential bat roost habitat cannot occur during September and October, bat roost surveys will be conducted to determine if bats are occupying roosts. The pre-construction surveys shall be submitted to the Planning Manager no later than five (5) business days prior to the removal of any potential habitat. (See COA Text)	No	Ongoing	As Needed	9/4/2013 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been complete. See Appendix D: List of Previously Submitted Biological Survey Reports	Appendix D: List of Previosly Submitted Biological Survey Reports
50	Special Status Bat Species- Hibernation Season	During the November 1 to March 31 hibernation season, work shall not be conducted within 100 feet of any woodland habitat (as identified in the Draft EIR Figures 4.4-1 through 4.4-4), unless a qualified bat biologist determines that woodland areas do not provide suitable hibernating conditions for bats and they are unlikely to be present in the area. Submit a report by a qualified bat biologist to the Planning Manager verifying the absence of suitable habitat as described above if work is proposed within 100 feet of woodland habitat between November 1 and March 31	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been complete. See Appendix D: List of Previously Submitted Biological Survey Reports	Appendix D: List of Previosly Submitted Biological Survey Reports
51	Special Status Bat Species - Maternity Season Emergence	Any trees felled during vegetation removal will not be chipped or otherwise disturbed for a period of 48 hours to allow any undetected bats potentially occupying these trees to escape.	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All trees felled were left in place for 48 hours prior to removal or chipping.	Appendix D: List of Previosly Submitted Biological Survey Reports

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52	Bat Roost Replacement	All special-status bat roosts destroyed by the Project shall be replaced by the Mine Operator at a 1:1 ratio onsite with a roost suitable for the displaced species (e.g., bat houses for colonial roosters). The design of such replacement habitat shall be in consultation with CDFG. (See COA Text)	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	No special status bat roosts have been destroyed. No mitigation for bat roost replacement has been warranted to date.	Appendix D: List of Previosly Submitted Biological Survey Reports
53	San Francisco Dusky Footed Woodrat	Within 30 days prior to initial ground disturbance in woodland or scrub/chaparral communities, (as identified in the Draft EIR Figures 4.4-1 through 4.4-4), conduct pre-construction surveys for active woodrat stick nests that could be directly impacted. Surveys should take place in all suitable habitat types within the Project Area. Sixty (60) days prior to initial ground disturbance within woodland or scrub / chaparral communities, the Mine Operator shall submit to the Planning Manager a copy of a contract with a qualified biologist to conduct pre-activity surveys. (See COA Text)	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	All required biological resources surveys have been complete. See Appendix E: List of Previously Submitted Biological Survey Reports	Appendix D: List of Previosly Submitted Biological Survey Reports
54	Proper Food Waste Disposal	To reduce indirect impacts on San Francisco dusky-footed woodrat by attracting urban-adapted predators, trash and food waste shall be disposed of in proper waste receptacles and emptied on a regular basis. Additionally, quarry personnel, contractors, and visitors shall not feed wildlife within the Permanente Property and appropriate site signage and employee education shall facilitate this condition	No	Ongoing	As Needed	9/4/2012 4/29/2013 5/5/2013 5/20/2013 8/23/2013	Proper waste recepticles are available onsite and are emptied on a regular basis. Signs have been posted.	Appendix D: List of Previosly Submitted Biological Survey Reports
55	Introduction of Invasive Plants or Pathogens	If regulated or restricted plant materials are to be transported between the Project Area and a location in a non-infested county or state, the spread of the Sudden Oak Death pathogen shall be avoided by obtaining the necessary certificates of transport pursuant to the regulations (See COA Text)	Yes	Ongoing	NA	NA	No plant material was transported in or out of the Project Area.	
56	Sudden Oak Death Prevention	To reduce the possibility of spreading Sudden Oak Death to oak woodlands in the Study Area, the Mine Operator shall implement control measures (See COA Text)	No	Ongoing	NA	NA	All equipment which does not remain onsite, including: shoes, tools, and vehicles are decontaminated prior to, and after, any work in vegetated areas. Sanitation kits are kept at the Quarry office.	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
57	Wetland Identification and Avoidance	A qualified wetland biologist shall physically delineate all federal and state waters and wetland features identified in the 2008 wetland delineation (WRA, 2008) before any Permanente Creek Reclamation Area (PCRA) activities begin, and when feasible, reclamation activities shall avoid filling these areas unless authorized by the appropriate permitting agencies. Prior to the start of PCRA activities, the wetland biologist shall submit a report to the Planning Manager showing the wetland areas delineated and the installation of all fencing and barriers (photos and map).(See COA Text)	No	One Occurrence and Ongoing	As Needed	7/31/2012	No wetlands were disturbed during the reporting period.	
58	Wetland Mitigation Plan	If filling of jurisdictional waters or wetlands is to be performed ~~not feasible~~, control measures shall be implemented: (See COA Text)	Yes	Ongoing	NA	NA	No wetlands were disturbed during the reporting period.	
59	PCRA Grading During Dry Season to Avoid California red Legged Frog Impact	To minimize disturbance to dispersing or foraging CRLF, all grading activity within PCRA subareas 4 through 7 shall be conducted during the dry season, generally between May 1 and October 15, or before the onset of the rainy season, whichever occurs first, unless exclusion fencing is utilized. Construction that commences in the dry season may continue into the rainy season if exclusion fencing is placed around the construction zone to keep the frog from entering the construction area.	Yes	Ongoing	NA	NA	No grading activity took place within PCRA subareas 4,5,6,or 7 during the reporting period.	
60	CRLF Pre-construction survey	Pre-construction surveys for CRLF shall be conducted prior to construction activities within PCRA subareas 4 through 7. If CRLF are observed in the construction area or access areas, they shall be removed from the area by a USFWS permitted biologist and temporarily relocated to nearby suitable aquatic habitat	Yes	Ongoing	NA	NA	No grading activity took place within PCRA subareas 4,5,6,or 7 during the reporting period.	
61	PRCA Work during Daylight hours for CRLF Avoidance	all restoration activities within PCRA subareas 4 through 7 shall cease one half hour before sunset and shall not begin prior to one half hour after sunrise. Additionally, restoration activities shall not occur during rain events, as CRLF are most likely to disperse during periods of precipitation	Yes	Ongoing	NA	NA	No grading activity took place within PCRA subareas 4,5,6,or 7 during the reporting period.	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
62	Document History of Kaiser Permanente Quarry Mining District	The Mine Operator shall document the physical characteristics and their historic context of the contributing features of the Kaiser Permanente Quarry Mining District (See COA Text)	Yes	60 Days Prior to modification of conveyor	NA	NA	No modification to the conveyor system took place during the time period during the reporting period.	
63	Salvage Permanente Quarry Conveyor System	Prior to any of the following: modification, relocation, removal, or demolition of the Permanente Quarry Conveyor System, the Mine Operator shall salvage and/or relocate a representative portion of the Permanente Quarry Conveyor System and the remains of the early 1940s crusher, which constitute character-defining features that otherwise would be lost as a part of implementation of the Project. (See COA Text)	Yes		NA	NA	No modification to the conveyor system took place during the time period during the reporting period.	
64	Prepare Public Information Prior to Conveyor Salvage	At least sixty (60) days prior to commencement of any work as described above Condition #63, the Mine Operator shall prepare public information programs to educate the general public on the historic nature of the potential Kaiser Permanente Quarry Mining District, (See COA Text)	Yes		NA	NA	No modification to the conveyor system took place during the time period during the reporting period.	
65	Cease Activity if Cultural Resources Are Found	If cultural resources are encountered during Project implementation the Mine Operator shall notify the Planning Manager and all activity within 100 feet of the find shall stop until the cultural resource is evaluated by a qualified archaeologist and a Native American representative (See COA Text)	Yes	Ongoing	NA	NA	No cultural resources were encountered in undisturbed areas during the reporting period.	
66	Cease Activity if Paleontological Resources Are Found	If a paleontological resource is encountered during implementation of the RPA the Mine Operator shall notify the Planning Manager, and all activity within 100 feet of the find shall stop until it can be evaluated by a qualified paleontologist (See COA Text)	Yes	Ongoing	NA	NA	No paleontological resources were encountered in undisturbed areas during the reporting period.	
67	Notify County Coroner if Any Human Remains are Found	In the event that human skeletal remains are encountered, the Mine Operator is required to immediately notify the County Coroner.(See COA Text)	Yes	Ongoing	NA	NA	No human remains were found were encountered in undisturbed areas during the reporting period.	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
68	Avoidance of Slope Material Falling Into Creek in PRCA Areas	In all areas requiring the use of excavators for grading within the Permanente Creek Reclamation Area (PCRA) (e.g., access road in-sloping, installation/repair of sedimentation basins, and removal of slide debris), the Mine Operator and/or its contractor shall begin excavations from the top of slope and proceed downward. The Mine Operator and/or its contractor shall not undercut sloped materials unless no other option is feasible as determined by a registered geotechnical engineer (e.g., excessively sloped or otherwise inaccessible terrain). In all areas of the PCRA where excavations would occur in sloped materials, the Mine Operator and/or its contractor shall install barriers immediately downslope of the activity. (See COA Text)	Yes	Ongoing	NA	NA	No grading activity took place within PCRA during the reporting period.	
69	Submit Geotechnical Plan Review	Within thirty (30) days following approval of the RPA, submit a Geotechnical Engineer's Plan Review letter that confirms the RPA, as modified by other conditions of approval, conforms with the recommendations presented in Golder's Report (RPA Appendix C, dated November 2011).(See COA Text)	No	One Occurrence	7/26/2012	7/26/2012	Complete	
70	Follow Geotechnical Design for EMSA Filling	The geotechnical design recommendations provided by Golder Associates (RPA Appendix C, November 2011) are being implemented as part of the ongoing stockpiling activities within the EMSA(See COA Text)	No	Ongoing	NA	NA	Noted	
71	Prepare GHG Inventory for Reclamation Activities	the Mine Operator shall conduct an annual inventory of GHG emissions and shall report those emissions (See COA Text)	Yes	Ongoing	10/1/2013		2013 Annual GHG inventory will be submitted to Santa Clara County in October, 2013.	
	Register with Climate registry	The Mine Operator shall become a reporting member of The Climate Registry	No	Ongoing		9/25/2012	Complete	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
72	GHG reduction Plan	The Mine Operator shall prepare, submit for County and BAAQMD approval, make available to the public, and implement a Greenhouse Gas Emissions Reduction Plan (GHG Plan) containing quantifiable strategies to ensure that the Project-related incremental increase of GHG emissions does not exceed 1,100 MT Co2e per year. (See COA Text) The Greenhouse Gas Emissions Reduction Plan shall be submitted to the Planning Manager within 90 days of final RPA Approval.	No	Ongoing	9/24/2012	9/25/2012	Complete	
73	Obtain GHG Offsets	If the Mine Operator is unable to reduce the Project-related incremental increase of GHG emissions to below 1,100 MT Co2e per year per Condition #72, the Mine Operator shall offset all remaining Project incremental emissions above that threshold. (See COA Text)	Yes	Ongoing	NA	NA	2013 Annual GHG inventory will be submitted to Santa Clara County in October, 2013.	
74	Verification of Non-Limestone-Containing Material Used as Cover in EMSA and WMSA	A California Certified Engineering Geologist shall be onsite during reclamation to verify that non-limestone run-of-mine rock is used as cover on the EMSA and WMSA. In addition, the Geologist shall observe and document activities associated with placing the final overburden on the Quarry Pit (i.e., ensuring that organic material is mixed to specifications).(See COA Text)	Yes	Ongoing	NA	NA	Final reclamation did not begin during the time period covered by this report. No final overburden was placed on the Quarry Pit. Laboratory analysis of non-limestone material (Stevens Creek Quarry) used in ditches and basins were submitted to Santa Clara County.	
75	The County may retain a third party geologist.	1. The County reserves the right to retain, if it deems necessary, at the expense of the Mine Operator, a third-party California-certified Engineering Geologist, to provide independent oversight or monitoring to implement Condition #74.	No	Ongoing	NA	NA	Noted	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
76	Water Quality Monitoring Program	Within ninety (90) days of RPA approval, the Mine Operator shall begin and continue throughout the backfilling and reclamation phases and for 5 years following completion of reclamation and for 5 years following the start of groundwater discharge from the Quarry Pit into Permanente Creek as described on page 4.10-39 of the Final Environmental Impact Report, a Verification and Water Quality Monitoring Program. (See COA Text)	Yes	Ongoing	9/24/2012	9/25/2012	Complete	Appendix E: Quarry Pit Water (Pond 4A) Quarterly Water Sample Results, Appendix F: Quarry Pit Seep Water Quality Sample Results Appendix G: Pond 30 EMSA Discharge Sample Results.
77	Reclamation is Complete when all WQS are met	Reclamation of the Quarry Pit, EMSA, and WMSA areas shall not be considered complete until 5 years of water quality testing as described above demonstrate to the satisfaction of the Planning Manager that selenium in surface water runoff and any point source discharges has been reduced below all applicable water quality standards, including Basin Plan Benchmarks.	Yes		NA	NA	Final reclamation did not begin during the time period covered by this report. Water quality testing related to COA 76.	
78	Stormwater BMPs	Within 90 days of RPA approval, the Mine Operator shall implement stormwater and sediment management controls in addition to general BMPs required by the SWPPP in active and inactive reclamation areas throughout Phase I, II, and III of the RPA. (See COA Text)	Yes	Ongoing	9/25/2012	9/25/2012	Stormwater and sediment management controls in addition to general BMPs required by the SWPPP in active and inactive reclamation areas have been installed and maintenance is ongoing.	Appendix H: 2013 Stormwater and Erosion Control Annual Report, and Appendix I: Wet-Season Erosion Control Inspection Reports.
79	Stormwater Monitoring Plan	Prior to the start of reclamation activities, the Mine Operator shall develop a Stormwater Monitoring Plan for sampling and testing stormwater, that would supplement preexisting surface water monitoring required by General Industrial Storm Water and Sand and Gravel NPDES Permit and any other applicable permits designed to specifically monitor surface water during reclamation activities in active and inactive excavation and backfill areas, and locations where water discharges to Permanente Creek. (See COA Text)	Yes	Ongoing	10/1/2012	8/24/2012	Complete	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
80	Monitor BMP Effectiveness for EMSA	Within 30 days of RPA approval, sampling and testing shall occur within 24 hours after a qualifying rain event. For purposes of triggering Planning Commission review, the sampling shall occur at locations where water discharges to Permanente Creek. (See COA Text)	Yes	Ongoing	NA		Releases of stormwater into the Permanente Creek from Pond 30 during the time period covered by this report were sampled and analzed.. Water quality testing revealed selenium to be lower than 5mg/liter.	Appendix G: Pond 30 EMSA Discharge Sample Results.
81	Monitor BMP Effectiveness for WMSA and Quarry	Within 30 days of the start of reclamation activities for Phase II, the Mine Operator shall conduct monthly water sampling and testing results in compliance with the Interim Stormwater Monitoring Plan (See COA Text)	Yes		NA	8/30/2013	Releases of stormwater into the Permanente Creek from the quarry pit through Pond 4a during the time period covered by this report were sampled and analzed.	Appendix E: Quarry Pit Water (Pond 4A) Quarterly Water Sample Results Appendix F: Quarry Pit Seep Water Quality Sample Results Appendix A: Training Topics and Sign-In Sheets
82	Design, Pilot Testing, and Implementation of Selenium Treatment Facility	Within 30 days of RPA approval, the Mine Operator shall begin designing a treatment facility (or alternative) and pilot system for discharge into Permanente Creek. (See COA Text)	Yes	Ongoing	NA	ca. 10/1/2013	A final report for the Interim Treatment System results will be available in October	

All COAs								
COA	Requirement	Summarized Description	Annual Report Requirement (Yes/No)	Frequency	Required Submittal Date	Date Submitted	Comments	Appendix
83	Construct of Onsite Water Detention Facility	The Mine Operator shall design and construct detention facilities that would 1) manage increased runoff caused by the reclaimed Quarry pit, (See COA Text)	Yes		NA	NA	Final reclamation did not begin during the time period covered by this report. No excess runoff was caused by the reclaimed Quarry Pit.	
84	Stormwater Control to Avoid Ponded Water and Selenium Accumulation	The Mine Operator shall incorporate drainage features into the final drainage design for the Quarry pit area to eliminate the potential for surface ponding on the floor of the Quarry pit once it has reached its final elevation (990 amsl).(See COA Text)	Yes		NA	NA	Final reclamation did not begin during the time period covered by this report.	
85	Mosquito Control for Ponded Water	Any body of water created during the operation of the quarry, both during excavation and processing the material, shall be maintained to provide for mosquito control and to prevent creation of any health hazards or public nuisance.	Yes	Ongoing	NA	NA	All bodies of water created during the operation of the quarry have been maintained to provide mosquito control and prevent the creation of any health hazards or public nuisance.	
86	Provide Plans for Riprap Energy Dissipaters	Sixty (60) days following RPA approval, the Mine Operator shall provide to the Planning Manager revised plans that show redesigned rip-rap energy dissipaters per the Association of Bay Area Governments (ABAG) standard for the 25 year storm for all discharge points on the reclamation plans.	No	Once	8/24/2012	8/24/2012	Complete	
87	Prohibit Night Operations in EMSA	The Mine Operator shall prohibit all heavy equipment operations in the northeasterly 11.5 acres of the EMSA (as shown in Draft EIR, Figure 4.13-8) during nighttime hours (i.e., between 10:00 p.m. to 7:00 a.m.).	Yes	Ongoing	NA	7/26/2012	No nighttime equipment operations occur in the EMSA	
88	Caretakers Residence Control or Prohibit EMSA Operations within 1600 feet	The Mine Operator shall either: (1) limit all operations in the EMSA within 1,600 feet of the caretaker's residence (as shown in Figure 4.13-8) to no more than one 8-hour shift per day, or (2) submit evidence establishing to the County's satisfaction that there are legally-binding restrictions precluding any occupancy of the caretaker's residence during the entirety of Phase 1 of the RPA.	No	Once	NA	7/26/2012	Complete	

All COAs								
COA	**Requirement**	**Summarized Description**	**Annual Report Requirement (Yes/No)**	**Frequency**	**Required Submittal Date**	**Date Submitted**	**Comments**	**Appendix**
89	Signage within EMSA regarding Light Prohibitions and Noise restrictions (COA 42 and 87)	Within thirty (30) days of the RPA Approval, the Mine Operator shall post a sign inside all mine equipment operating in the EMSA area with the text from Condition #42 (Light and Glare) and Conditions # 87 and # 88 (Noise). The sign shall be posted prominently within view of the vehicle operator. Within 30 days of the RPA approval, the Mine Operator shall submit to the Planning Manager photo documentation demonstrating compliance of this.		Maintain	7/26/2012	7/26/2012	Complete - Signs are in place and in good condition as of August 2013.	