



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

December 14, 2017

Hewitson Farms
39482 CA 33
Avenal CA 93204

Dear Applicant:

Subject: Resolution No. 12681 - Initial Study Application No. 7011 and Unclassified
Conditional Use Permit Application No. 3509

On November 9, 2017, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

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Enclosure



Inter Office Memo

DATE: November 9, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12681 - INITIAL STUDY APPLICATION NO. 7011 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3509

APPLICANT/
OWNER: Hewitson Farms

REQUEST: Allow continued aggregate (rock, sand, gravel) mining operations with incidental facilities approved under Conditional Use Permit No. 2461R for 50 years beyond the current expiration date of 2018 on a 323.93-acre portion of a 637.81-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of State Highway 33 between Lost Hills Road and Sutter Avenue, approximately 6.9 miles southeast of the nearest city limits of the City of Coalinga (45315 Lost Hills Road, Coalinga, CA) (Sup. Dist. 5) (APN 085-110-26).

PLANNING COMMISSION ACTION:

At its hearing of November 9, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Unclassified Conditional Use Permit Application No. 3509, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7011
Unclassified Conditional Use Permit Application No. 3509

Staff: The Fresno County Planning Commission considered the Staff Report dated November 9, 2017, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use

- We filed the subject application to be allowed to continue aggregate mining beyond the expiration of Conditional Use Permit No. 2461R in 2018. No other changes are proposed.
- The project site has been mined for the last 80 years and is not prime farmland or in agricultural use.
- Mineral extraction regulations have become more stringent in 80 years; the project rehabilitation plan will comply with newer regulations.
- We discussed the project with California Department of Transportation (Caltrans), San Joaquin Valley Air Pollution Control District (Air District) and other regulatory agencies, and updated the operational statement.
- We conducted extensive bio-botanical studies to assess the project's impact on biological resources and accepted noise mitigation measures for the project.
- The project traffic consultant found no impact on State Route 33; the ingress and egress to the site will remain unchanged.
- The Air District reported no operational violations, and permitted the current mining operation.
- All impacts resulting from this proposal have been addressed through project mitigation measures or project operational conditions.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B

Mitigation Monitoring and Reporting Program
 Initial Study Application No. 7011
 Unclassified Conditional Use Permit Application No. 3509

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Operator	Operator/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
*2.	Biological Resources	Security fences installed on the perimeter of the project site shall be designed to enable passage of San Joaquin kit foxes and their prey, while impeding the passage of larger predators of kit foxes, such as coyotes and larger domestic dogs. All fencing shall leave a 4- to 8-inch opening between the fence mesh and the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that pass under the fence. Fences shall be monitored regularly to ensure that any damage or vandalism is quickly repaired.	Operator	Operator/PWP	On-going; for duration of the project
*3.	Biological Resources	Areas of the project site between the active quarrying locations shall be left fallow and managed (e.g., mowed, disked, weed-whacked) to allow annual grassland species and prey species to recolonize the project site and to maintain a wildlife corridor through the action area in a generally north-south direction.	Operator	Operator/PWP	On-going; for duration of the project
*4.	Biological Resources	The grassland areas within the project site not disturbed by mining activities shall be left in their existing condition.	Operator	Operator/PWP	On-going; for duration of the project
*5.	Biological Resources	To avoid impacts to wetlands and waterways, the following no-disturbance buffers shall be delineated before ground-disturbing activities begin:	Operator	Operator/PWP	As noted

		<p>(1) for areas with riparian vegetation, a minimum 25-foot no-disturbance buffer from the top of the bank of Zapata Chino Creek, or from the outside edge of its surrounding riparian vegetation;</p> <p>(2) for areas with no riparian vegetation, a minimum 25-foot no-disturbance buffer around the top of the bank of Zapata Chino Creek.</p> <p>To prevent mining-related erosion and deposition, soil stockpiles shall be protected to prevent erosion and placed where soil will not pass into waters of the State, in accordance with California Fish and Game Code Section 5650. To accomplish this, disturbed soils on the project site near the appropriate no-disturbance buffer described above shall be stabilized to reduce erosion potential, both during and following project activity. To stabilize stockpiles and prevent siltation of the stream, temporary erosion control devices such as straw bales, silt fencing, and sand bags shall be used as appropriate. To minimize the risk of ensnaring and strangling wildlife, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall comprise only natural fiber or biodegradable materials. "Photodegradable" or other plastic erosion control materials shall not be used. Per California Fish and Game Code Section 1600 <i>et seq.</i>, the Operator shall notify CDFW before beginning any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent and those that are perennial. CDFW must comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. For additional information on notification requirements, contact Lake and Streambed Alteration Program staff at (559) 243-4593.</p>	Operator	Operator/PWP	As noted
*6.	Biological Resources	All employees, consultants, and contractors shall receive environmental training by a qualified biologist before mining activities begin. The avoidance and minimization measures shall be outlined in the training. All personnel on the quarry site shall follow these measures to avoid or reduce effects on	Operator	Operator/PWP	As noted

		<p>covered species. The training shall include a printed handout that shall be handed to all personnel. All employees and contractors shall be required to sign a register indicating that they attended the training and understand the material presented. The handout shall contain the following information:</p> <ul style="list-style-type: none"> a) descriptions of the covered species (including photographs) and their habitat needs; b) a current report of the occurrences of the covered species at the project site; c) an explanation of the protected status of each covered species under the federal and state endangered species acts and legal obligations; d) avoidance and minimization measures followed to reduce impacts on the covered species during all project activities: mining, operation and maintenance, and site closure, and the penalties for not following the avoidance and mitigation measures; and e) instructions on the procedures implemented if a covered species is found on site, including contact information of a biological monitor and U.S. Fish and Wildlife Service and California Department of Fish and Wildlife personnel. <p>An electronic copy of the signed register shall be provided to the Fresno County Department of Public Works and Planning before mining activities begin within a new mining phase.</p>		
*7.	Biological Resources	<p>At least 30 days before the onset of ground-disturbing activities within a new mine phase, the name(s) and credentials of a supervisory project biologist responsible for approving and overseeing all project biological monitors and other site-trained monitors performing biological work shall be submitted to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife for approval. If no response is given by agencies within the 30 days, it is implicit that the use of the supervisory project biologist is approved.</p>	Operator	Operator/PWP As noted
*8.		<p>Biological monitor(s) approved by the supervisory project biologist shall be required on site as long as quarrying crews and vehicles are accessing and affecting the undisturbed areas of the site. Monitoring shall cease once development</p>	Operator	Operator/PWP As noted

		mining traffic and activity has ceased and the expanded quarrying area is operable. An electronic copy of a signed and dated log of visits to the site by the biological monitor shall be provided to the Fresno County Department of Public Works and Planning upon determination that development mining traffic and activities have ceased and the expanded new mining phase quarrying area is operable.			
*9.	Biological Resources	Biological monitors shall have the authority to order a halt to mining activities, and shall order halts to mining activities in the following instances: (1) the monitor observes activities that may result in mortality or harm to a covered species; (2) the monitor observes any of the avoidance and minimization measures not being implemented; or (3) if at any time a covered species is in danger of experiencing mortality or harm. Work shall not resume until the situation has been rectified to the satisfaction of the supervisory project biologist. If a biological monitor orders a halt to mining activities, he or she shall immediately contact the supervisory project biologist for further instructions. Consultation with CDFW is advised if the potential for take exists (as defined by Fish and Game Code Section 86) of species listed pursuant to the California Endangered Species Act or the Native Plant Protection Act (Fish and Game Code Section 1908).	Operator	Operator/PWP	As noted
*10.	Biological Resources	All mining-related activities shall occur within designated work areas.	Operator	Operator/PWP	As noted
*11.	Biological Resources	All mining activities shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise, except as described below. Sunrise and sunset times are established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area where the project is located. Some discrete maintenance activities must occur when the facility is not actively mining. Those activities shall be conducted under the guidance of a qualified biologist. Some operation and maintenance activities must occur when materials are not being produced, which may also occur at night. Those activities that must occur at night are to be authorized by the supervisory project biologist.	Operator	Operator/PWP	As noted

*12.	Biological Resources	Speed limits within the project site shall be limited to 15 miles per hour (mph) during the day and 10 mph at night. All project-related vehicles and equipment shall be restricted to established roads, mining areas, and designated staging areas.	Operator	Operator/PWP	As noted
*13.	Biological Resources	Food-related trash shall be disposed of in closed containers and removed from the project site at least once daily.	Operator	Operator/PWP	As noted
*14.	Biological Resources	No pets or firearms shall be permitted on the project site.	Operator	Operator/PWP	As noted
*15.	Biological Resources	Within one working day of finding a dead, sick, or injured covered species on the project site, the biologist shall notify USFWS and CDFW orally and within three working days in writing. Notification in writing shall include the date, time, and location where the specimen was found and information about the conditions under which it was found.	Operator	Operator/PWP	As noted
*16.	Biological Resources	A map of the location of all observations of covered species observed during preconstruction surveys and during monitoring shall be prepared and submitted to USFWS and CDFW before any ground-disturbing activities begin. This information shall also be submitted to the California Natural Diversity Database (CNDDB).	Operator	Operator/PWP	As noted
*17.	Biological Resources	A reclamation plan shall be prepared for the project. Upon completion of the project, all areas temporarily subject to ground disturbance, including staging areas, shall be revegetated according to the project reclamation plan.	Operator	Operator/PWP	As noted
*18.	Biological Resources	The guidelines described in <i>San Joaquin Kit Fox from U.S. Fish and Wildlife Service, Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> , prepared by the Sacramento Fish and Wildlife Office, January 2011 (2011 standardized recommendations), or the most recent version of these guidelines, shall be implemented. The Operator shall inquire with the USFWS yearly to obtain the most recent guidelines.	Operator	Operator/PWP	As noted
*19.	Biological Resources	As described in the 2011 recommendations, the preconstruction survey shall be conducted no less than 14 days and no more than 30 days before the beginning of ground disturbance, or any activity likely to affect San	Operator	Operator/PWP	As noted

		<p>Joaquin kit fox. The results of the survey shall be submitted to USFWS, CDFW, and the Fresno County Department of Public Works and Planning before ground disturbance begins. The biologists shall conduct den searches by systematically walking transects through the project site and a buffer area 200 hundred feet from the project boundary as required by USFWS. Transect distance shall be based on the height of vegetation such that 100 percent visual coverage of the project site is achieved. If a potential or known den is found during the survey, the biologist shall evaluate the shape of the den entrances, taking note of tracks, scat, prey remains, and recent excavations at the den site. Dens shall be classified into the den status categories defined by the 2011 standardized recommendations.</p>	Operator	Operator/U.S. Fish and Wildlife Service (USFWS)/ California Department of Fish and Wildlife (CDFW)	As noted
*20.	Biological Resources	<p>If San Joaquin kit fox are found within the project area either during preconstruction surveys or during mining activities, the Operator shall consult with CDFW to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit prior to any ground-disturbing activities. If San Joaquin kit fox are found occupying a typical (i.e., manmade structure) den site, a 50-foot no-disturbance buffer shall be used around the occupied den structure in accordance with the USFWS (2011) <i>Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i>.</p>	Operator	Operator/PWP	As noted
*21.	Biological Resources	<p>All materials staged on the project site, and especially in staging areas, shall be stored so as to not provide areas suitable for covered species to seek shelter. At no time shall materials be haphazardly piled on the project sites. All materials shall be inspected thoroughly by the biological monitor prior to being moved.</p>	Operator	Operator/PWP	As noted
*22.	Biological Resources	<p>Rodenticide and pesticide use is prohibited. Herbicide application shall be limited to areas where mowing, disking, weed-whacking, etc. is not possible (e.g., around buildings and against poles and other infrastructure).</p>	Operator	Operator/PWP	As noted
*23.	Biological Resources	<p>During the active season for Blunt-nosed leopard lizards (generally starting April 15, but any time of year with temperatures of 77 degrees Fahrenheit as measured two centimeters above the ground), prior to any planned ground-</p>	Operator	Operator/PWP	As noted

		<p>disturbing mining, reclamation, or closure activities, a biologist with experience in surveying for Blunt-nosed leopard lizard shall assess site conditions for supporting the species.</p>			
*24	Biological Resources	<p>To evaluate presence/absence of project work areas by Blunt-nosed leopard lizard, survey methods described in the <i>Approved Survey Methodology for the Blunt-nosed Leopard Lizard</i> (CDFG 2004) shall be implemented. Note that protocol-level surveys must be conducted on multiple dates during late spring, summer, and fall. Within these time periods, specific protocol-level date, temperature, and time parameters must be met. Blunt-nosed leopard lizard surveys must be completed no more than one year before ground or vegetation disturbance begins, if mining activities will affect potential habitat. If Blunt-nosed leopard lizard is detected during protocol-level surveys or mining activities, the Operator shall consult with CDFW to discuss how to implement the project and avoid take. Burrows shall be avoided by a minimum of 50 feet to avoid take and potentially significant impacts of burrow collapse. The results of the surveys shall be submitted to USFWS, CDFW, and the Fresno County Department of Public Works and Planning before ground disturbance begins and after completion of each subsequent survey.</p>	Operator	Operator/PWP	As noted
*25	Biological Resources	<p>If a Blunt-nosed leopard lizard is encountered during these surveys, the location of the observation shall be marked and USFWS and CDFW shall be contacted. No ground-disturbing activities shall occur until the lizard has been allowed to passively disperse.</p>	Operator	Operator/USFWS/ CDFW	As noted
*26	Biological Resources	<p>No monofilament plastic or soil strengthening agents, geo fabrics, or dust suppression products that would adversely affect these species shall be used for erosion control. Only natural fiber, biodegradable meshes shall be used in erosion control mats, blankets, and straw or fiber wattles, and these features shall be installed in such a way as to prevent entrapment of special-status reptiles or amphibians while maintaining access to potential breeding habitat.</p>	Operator	Operator/PWP	As noted
*27.	Biological Resources	<p>Optimal activity temperatures for Blunt-nosed leopard lizards are between 77 and 95°F measured 1-2 centimeters (cm) above the ground over the surface of a project site (CDFW 2004). The period between September 30 and April 1 (<i>i.e.</i>,</p>	Operator	Operator/PWP	As noted

		<p>October-March) would be preferentially used to control vegetative growth to coincide with the animals being underground and temperatures below 75°F, measured 1 cm above the ground in the sun.</p>			
*28.	Biological Resources	<p>Before project implementation, a qualified botanist shall survey the project site for special-status plants by following the <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFG 2009). The results of this survey shall be submitted to USFWS, CDFW, and the Fresno County Department of Public Works and Planning before ground disturbance begins. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If protocol-level surveys are not performed, additional surveys may be necessary. Special-status plant species shall be avoided whenever possible by delineation and observation of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then the Operator shall consult with CDFW to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a state-listed or federally-listed plant species is identified during botanical surveys, the Operator shall consult with CDFW and/or USFWS to determine permitting needs.</p>	Operator	Operator/PWP	As noted
*29.	Biological Resources	<p>To evaluate presence/absence of San Joaquin antelope squirrel in the project area, a qualified wildlife biologist shall visit the site before project implementation to determine whether suitable habitat for San Joaquin antelope squirrel is present within or adjacent to the project area. If habitat is present, the qualified biologist shall conduct daytime visual surveys using line transects with 10- to 30-meter spacing when temperatures are between 68–86°F. If suitable habitat is present and surveys or trapping are not feasible, CDFW advises maintenance of a 50-foot minimum no-disturbance buffer around all small mammal burrows of suitable size for San Joaquin antelope squirrel. If full avoidance is not feasible and project implementation could result in take, the Operator shall acquire an Incidental Take Permit, pursuant to California Fish and Game Code Section 2081(b), before</p>	Operator	Operator/PWP	As noted

			<p>initiating ground-disturbing activities. The results of this survey shall be submitted to USFWS, CDFW, and the Fresno County Department of Public Works and Planning before ground disturbance begins.</p>																			
<p>*30.</p>	<p>Biological Resources</p>	<p>Presence/absence of burrowing owl shall be assessed before project implementation by conducting surveys following the California Burrowing Owl Consortium's <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (CBOC 1993). The <i>Staff Report on Burrowing Owl Mitigation</i> (Staff Report) (CDFG 2012) shall be followed before and during ground-disturbing activities associated with project implementation. CDFW's Staff Report recommends avoiding impacts to occupied burrows in accordance with the information in the following table unless a CDFW-approved qualified biologist verifies through noninvasive methods that either (1) the birds have not begun egg laying and incubation or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p>	<table border="1" data-bbox="771 840 950 1543"> <caption>Distance of Buffer for Avoidance of Burrows</caption> <thead> <tr> <th rowspan="2">Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th>Low</th> <th>Medium</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>April 1–August 15</td> <td>200 m</td> <td>500 m</td> <td>500 m</td> </tr> <tr> <td>August 15–October 15</td> <td>200 m</td> <td>200 m</td> <td>500 m</td> </tr> <tr> <td>October 16–March 31</td> <td>50 m</td> <td>100 m</td> <td>500 m</td> </tr> </tbody> </table> <p>Note: m = meters.</p> <p>If a burrowing owl is found to occupy a project site and avoidance is not possible, according to the Staff Report, exclusion in and of itself is not a take avoidance, minimization, or mitigation method. However, if necessary, burrow exclusion may be conducted by qualified biologists during the nonbreeding season only, before breeding behavior is exhibited and after the burrow is confirmed empty through noninvasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) to mitigate eviction of burrowing owl. In addition, burrow closure shall be employed only where adjacent natural burrows exist and sufficient habitat that is unaffected by the project exists for burrowing owl to occupy with permanent protection mechanisms in place. In</p>	Time of Year	Level of Disturbance			Low	Medium	High	April 1–August 15	200 m	500 m	500 m	August 15–October 15	200 m	200 m	500 m	October 16–March 31	50 m	100 m	500 m
Time of Year	Level of Disturbance																					
	Low	Medium	High																			
April 1–August 15	200 m	500 m	500 m																			
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October 16–March 31	50 m	100 m	500 m																			

			addition, burrowing owl may attempt to colonize or recolonize an area that the project will disturb; thus, ongoing surveillance of the project site during project activities shall occur at a rate sufficient to detect burrowing owl if they return.			
*31.	Biological Resources	Operator	Qualified biologists shall conduct focused surveys for special-status species before project implementation to determine whether impacts to these species could occur. Avoidance of all state species of special concern whenever possible is encouraged via delineation and observation of appropriate no-disturbance buffers for each species. The results of this survey shall be submitted to USFWS, CDFW, and the Fresno County Department of Public Works and Planning before ground disturbance begins.	Operator/PWP	As noted	
*32.	Cultural Resources	Operator	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	PWP	As noted	
*33.	Noise	Operator	As required by Noise Study by Bollard Acoustical Consultants, Inc., March 30, 2016, before daytime excavation operations begin within 1,000 feet of a single-family residence located 300 feet southeast of the property, a 10-foot-tall earthen berm shall be constructed adjacent to the State Route (SR) 33 right-of-way and near the southeast corner of the property.	Operator/Fresno County Department of Public Health, Environmental Health Division (Health Department)	As noted	
*34.	Noise	Operator	Excavation activities within 1,000 feet of the single-family residence located 300 feet southeast of the property shall be limited to daytime hours until the excavation equipment has recessed at least 10 feet below existing ground elevation.	Operator/Health Department	As noted	

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Reclamation Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.
2.	All Conditions of Approval of Unclassified Conditional Use Permit No. 2461-R and Unclassified Conditional Use Permit No. 2126 shall remain in full force and effect, except as modified by this application.
3.	If the east slope of the North Reserve is to be extended below its current depth of 575 feet mean sea level, the operator shall have a geotechnical analysis prepared to determine the final slope angle. The evaluation shall be submitted to the California Division of Mine Reclamation for review and comment as an amendment to the reclamation plan prior to any mining in this area.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference reequired Conditions for the project.

REFERENCES CITED:

California Burrowing Owl Consortium, 1993. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 in Lincer, J. L. and K. Steenhof (editors). The burrowing owl, its biology and management. *Raptor Research Report* Number 9.
 California Department of Fish and Game, 2004 (May). *Approved Survey Methodology for the Blunt-nosed Leopard Lizard*.
 California Department of Fish and Game, 2009 (November 24). *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.
 California Department of Fish and Game, 2012 (March 7). *Staff Report on Burrowing Owl Mitigation*.
 CBOC. See California Burrowing Owl Consortium.
 CDFG. See California Department of Fish and Game.
 U.S. Fish and Wildlife Service, 2011 (January). *Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance*.
 USFWS. See U.S. Fish and Wildlife Service.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Any additional runoff generated by the subject proposal (mining operation) shall be retained on site.
3.	According to the FEMA Panel 3425H, a portion of the subject property is subject to flooding from the one-percent (1%)-chance rain. Any structures located within the flood hazard area shall be raised to or above the Base Flood Elevation (BFE) or be flood-proofed per the Fresno County Flood Hazard Ordinance Chapter 15.48.
4.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway off State Route (SR) 33 shall require an encroachment permit from the California Department of Transportation (Caltrans).

Project Notes

5.	Facilities using and/or storing hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.
6.	Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.
7.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
8.	Future development shall require the property to annex to Community Facilities District No. 20010-01 of the Fresno County Fire Protection District (CalFire) District and be subject to current the Fire Code and Building Code prior to issuance of a building permit or certificate of occupancy.
9.	If facility operations change, the project proponent shall contact the San Joaquin Valley Air Pollution Control District to determine if an Authority to Construct (ATC) permit would be required for the project.
10.	The project may be subject to the San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules) to address impacts related to PM-10; Rule 4102 (Nuisance) to address any source operation that emits air contaminants or other materials; Rule 4601 (Architectural Coatings); and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).